A

DISCOURSE

UPON

Grants and Reſumptions.

Showing How our

ANCESTORS

Have Proceeded with ſuch

MINISTERS

As have Procured to Themſelves

GRANTS

OF THE

Crown-Revenue;

And that the

Forfeited ESTATES

Ought to be Applied towards the

Payment of the Publick DEBTS.

By the AUTHOR of,

The Eſſay on Ways and Means.

Apud Sapientes caſſa habebantur, quæ neque dari, neque accipi, ſalvâ Republicâ poterant. Tacit. Hiſt. Lib. III.

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A DISCOURSE UPON GRANTS.

SECT I.

INTRODUCTION.

ALL Governments, well and wiſely conſtituted, as ſoon as they began to form themſelves into a Politick Exiſtence, have ſeparated from Private Uſe a certain Proportion of their Wealth, and aſſign'd it to the Uſes of the Publick: And this has not only been thought a point of Wiſdom by Particular Nations, but Confederated Cities and States have done the ſame; for the *Grecians* had a Common Treaſury kept in the Temple of *Apollo Delphicus*, ready at all times to ſupply ſuch Affairs as they manag'd with united Councils.

'Tis ſo neceſſary to particular Nations, that there never was a Commonwealth without a Publick Stock, which was either great or little; ſometimes according as the State continued in Peace, or was harraſs'd with Wars; but moſt commonly according to the Prudence or Weakneſs of ſuch as Govern'd; for there have been Examples (as ſhall be ſhewn by and by) of States wiſely rul'd whom Wars have inrich'd, and of others looſely manag'd that have been impoveriſh'd in times of the profoundeſt Peace.

Commonwealths either in their firſt Inſtitution have alotted part of their Territory, or in their further Progreſs have aſſign'd part of the Lands coming to 'em by Conqueſt for the conſtant Services of the State, both in War and in Peace; and this they probably did, that they might not be compell'd, at every turn, to call upon the People for Contributions.

Where the Government has been by a Single Perſon, the Prince has had his Portion of Land for his domeſtick Expences, as appears in the Inſtance of *Tarquin*, whoſe Fields upon his Expulſion were made Publick; but the Burthen of any War lay upon the whole. In the King-

Kingſhips ſettled by the *Hunns*, *Goths* and *Vandals*, where the Expedition was at the Common Expence of all, the Conquer'd Country was divided. The Prince had his Proportion, his principal Captains and Commanders had theirs, and the Common Soldier was not without his Share: Thus *Genſerick* King of the *Vandals*, when he prevail'd in *Africk* reſerv'd to himſelf the Provinces *Bizacena*, *Azuritana*, *Getulia*, and part of *Numidia*; and to his Army he deſtributed by way of Inheritance *Zeugitana*, and *Africa Proconſularis*. In the Eſtabliſhments made by the Northern Nations, in conſideration of the Lands ſo held, certain Services were due from the Soldier to his Captain, and from the Captain to the Prince; and upon the ſtrength of ſuch Tenures, in after times, the Deſcendants of theſe People, and their Kings, did ſubſiſt and make their Wars: but of this in another place.

What they thus took, or what was alotted to 'em as their Share by Compact among their Followers, Good Princes have always reckon'd as belonging to the Publick, and they always made a Diſtinction between what they held in their Private Capacities, and what they held as Publick Perſons, and Heads of the

Commonwealth. And tho in the Eaſtern Monarchies erected by Force, and which were Invaſions upon the Common Rights of Mankind, the Prince might account himſelf Supream and uncontrollable Lord of the whole, and not bounded by any Laws; and tho theſe Tyrants look'd upon the People as no better than ſo many Herds of Cattle, yet it was not ſo in the *Roman* Government as 'twas model'd by *Auguſtus*, and as he meant it ſhould be tranſmitted to his Succeſſors; and moſt certainly it was otherwiſe in the ſeveral Kingdoms erected by the *Hunns*, *Goths*, and *Vandals*, upon the Ruins of the *Roman* Empire. All which ſhall manifeſtly appear in the Series of this Diſcourſe.

Good Princes have not only made a Diſtinction between what was their own Patrimonially, as the Civil Law Books term it, and what the State had an Intereſt in, but many of them, as we ſhall ſhow by and by, in Care of the Publick, and right Oeconomy, have equal'd the moſt prudent Commonwealths.

And no doubt ſuch Thrift was always eſteem'd a Point of the higheſt Wiſdom, becauſe, the expences of War conſider'd, even in the remoteſt times, ſhatter'd indigent Governments, and want-

wanting Princes, have been ſeldom known to compaſs great things; beſides, being without Money, the Nerves of War, they are obnoxious to the Inſults and Invaſions of their Neighbours; not but that wealthy Countreys have been and may be invaded, but we mean that thoſe Nations are moſt liable to be overrun, and conquer'd, where the People are Rich, and where, for want of good Conduct, the Publick is poor. Moreover, there are infinite Examples in Hiſtory, of Kings, whoſe Neceſſities have made Taxes, too often repeated, the only Fault in their Reigns, and who have thereby loſt the Affection of their Subjects.

But ſetting aſide the Dangers, Foreign and Domeſtick, that ariſe from Profuſion in what belongs to the Publick, it depraves all the different ranks of men; for in profuſe Governments it has been ever obſerv'd that the People from bad Example have grown lazy and expenſive, the Court has become luxurious and mercenary, and the Camp inſolent and ſeditious.

Where waſting the Publick Treaſure has obtain'd in a Court, all good Order is baniſh'd, becauſe he who would promote it, and be frugal for his Prince, is

look'd upon as a common Enemy to all the reſt; Virtue is neglected, which raiſes men by leiſurely ſteps, when Vice and Flattery will in a little time, in a Miniſtry who mind not what is given away, bring a man to a great Eſtate; nor is Induſtry cultivated, where he does his buſineſs ſufficiently, who knows which way to apply, and how to beg in a lucky and critical moment: And, at ſuch a Seaſon, many of the Peoples Repreſentatives loſe their Integrity, when they ſee others running from every Bench to ſhare in the univerſal Plunder of a Nation.

Kings reduced to Streights, either by their own, or by the negligence of their Predeceſſors, have been always involved in dark and mean Intreagues; They have been forc'd to court ſuch as in their Hearts they abhor, and to frown upon thoſe whoſe Abilities and Virtues they ſecretly approve of and Reverence, inſtead of being Heads of the whole Commonwealth, as in Law and in Reaſon they ought to be, they have often been compell'd to put themſelves in the Front, ſometimes of one, and ſometimes of another Party, as they ſaw it prevalent: A Policy in the end ever fatal to Rulers. Being intangled, they have been conſtrain'd

ſtrain'd to bring into the cheif Adminiſtration of their affairs Projectors, and Inventors of new Taxes, who being hateful to the People, ſeldom fail of bringing Odium upon their Maſter: And theſe little Fellows, whoſe only skill lies that way, when they become Miniſters, being commonly of the lower Rank of Underſtandings, manage accordingly; for their own Ignorance in matters of Government, occaſions more neceſſities than their Arts of raiſing Money are able to ſupply; but wanting States make uſe of theſe ſort of men, and Princes often think they are well ſerv'd by ſuch, becauſe now and then they can palliate preſent Evils, but they do but ſlim over a Sore, which breaks out afterwards with greater Rancour; whereas able Statesmen would obviate the Miſchief in its growth, and, by wholſome Councels, reſtrain their Maſters Bounty before he has nothing left to give, and before his People are weary of feeding endleſs Expences: But one of the worſt Effects of Poverty in a State is, that it frights ſuch as are able to mend things, men of ſublime Skill, Integrity, and Virtue, from meddling in Affairs; for they well know how clamorous, ſlippery, and difficult the Miniſterial Part of Government proves

when a Nation is plung'd in Debts, which generally, in all times, have produc'd ſo many Hurricanes, and popular Storms, as have made wiſe men, at ſuch a ſeaſon, not deſire to hold the Helm; and this has fatal Conſequences, for then the Ship is left to the Guidance of giddy and unskilful Pilots.

All this good Princes have ever obſerv'd; and when either the greatneſs of their Minds, or the Benignity of their Nature, has led them to be too open handed, they have retreated as ſoon as poſſible from ſo falſe and dangerous a ſtep. But leſt they ſhould be careleſs in a point ſo neceſſary to the Common welfare, and ſo much for their own Preſervation, the Wiſdom of the Laws has provided for their Safety in this matter, which fence the Prince's Revenue with divers Conſtitutions and Reſtrictions, all intended to preſerve it from the Rapine of thoſe about him; in order to which the Politic of well near all Countries has contriv'd that his Gifts ſhould paſs and be regiſter'd in ſeveral Offices, to the end that either ſome faithful Miniſter ſhould put him in mind, or that he himſelf ſhould have leiſure to repent of Liberalities detrimental to the Publick.

Not

Not only the Law of this Kingdom, but of other Places, and the *Roman* Laws, provide that the Prince ſhould not be deceiv'd in his Grants; for he whoſe Thoughts are employed in the weighty Cares of Empire, is not preſum'd to inſpect minuter things, ſo carefully as Private Perſons; The Laws therefore relieve him againſt the Surprizes and Machinations of Deceitful Men.

For his further Security the Laws likewiſe inflict ſevere Puniſhments upon thoſe who defraud him in his Stores, Treaſure, or Revenues, counting ſuch Publick Robbers more Criminal than petty and common Theives.

But the Laws ſeem chiefly levell'd againſt thoſe in whom he repoſes the greateſt Truſt, therefore the Legiſlative Power of all Countrys has rigorouſly animadverted upon ſuch Miniſters and Officers, through whoſe Fraud, Negligence, or Crime, his affairs have ſuffered any damage, of which in its proper Place we ſhall give variety of Preſidents.

And when he has been exhauſted by the too great Munificence of his own Temper, and through the falſe Repreſentations, and ſubtle Contrivances of thoſe about him, and when thereby the Publick has become weak, ruined, and unable to pro-

protect it ſelf, he has been aſſiſted by the Laws, and ſuch as have been vigilant for his ſafety, jealous of his honour, and careful for the common Good, have thought it their Duty to look into his Gifts, and to reſume his Grants, of which we ſhall give divers Inſtances and Examples.

But notwithſtanding the Wiſdom of the Laws, and of Law-makers, it has been always a Point of the higheſt difficulty to keep within its proper Veins this Life-blood of the Body Politick, ſo prone have corrupt Miniſters ever been to urge Princes to needleſs and deſtructive Bounty, eſpecially when they themſelves are to be the largeſt ſharers in it.

Kings are the Fathers of their Country, but unleſs they keep their own Eſtates, they are ſuch Fathers as the Sons maintain, which is againſt the order of Nature, who makes all theſe Cares deſcend, and places Foſtering, Nouriſhment, and Protection in the Parent; but the Prince is our common Father, and therefore all that tends to his Safety, Eaſe, and State, is due to him, however the leſs he is neceſſitated to depend upon his Children, the more he is reſpected.

And

And Kings are not to accompt themſelves Fathers of a Party only, or of none but thoſe who ruſh into the Preſence and whiſper to 'em, they are Fathers of the whole Body of the People; They are not to reckon themſelves Fathers of of their Favorites only, as *Harry* the 3d of *France* did, who ſaid *he Would grow a good huſband when he had marryed his Children the Dukes of* Joyeuſe *and* Eſpernon: Their Paternal Affection is to reach to all their ſubjects. And as in a private Family, Partiality to one Brother begets Hatred and Diviſions, ſo in a Nation it produces Diſcontent and Heartburnings to ſee three or four, without any ſuperior Merit, lifted high over all the reſt, inriched with the Univerſal Spoils of a Country, and wallowing in Luxury and Wealth, while the whole People groans under heavy Burthens.

Not that Mankind repine that the Prince ſhould have Friends, with whom he may communicate his Thoughts, and unbend his Cares, nor to ſee ſuch Friends the better for his Favours, 'tis warranted by Examples in the beſt Reigns; *Mecænas* and *Agrippa*, cheriſh'd, inrich'd, and promoted by *Auguſtus*, were yet as dear to the reſt of *Rome*, as they were to that wiſe Emperor: But they behold with Indignation

dignation Men exalted, who return not to the Prince reciprocal kindneſs, who abuſe his Favours, who ſell his Words, who, by falſe Repreſentations, traduce all others, that they may engroſs him to themſelves; who arrogate to themſelves all the Good, and lay upon him the blame of unfortunate Councils, who have no regard to his Honor, when their own Safety is in queſtion, whoſe Advices tend to their own private Profit, without Conſideration of their Maſter's, or the Publick Welfare; who draw all Lines to their own corrupted Center, whoſe Ambition is not gratify'd with any Honors, and whoſe Avarice is not ſatiated with multiplicity of Employments, nor with repeated Gifts and Grants out of a ſtript Revenue, and an exhauſted Exchequer. 'Tis ſuch a ſort of Favourites and Miniſters that the People hate, and exclaim againſt, and whoſe Heads they commonly reach at laſt.

Without any regard whither or no it be between Sun and Sun, if the Prince is robb'd the Country pays it; and therefore when the Hue and Cry hotly purſues the Robbers, Governments are not to wonder: 'Tis true, they now and then eſcape, eſpecially when in their Depredations upon the Publick there are

a great many concern'd, and when they have made ſo large a Booty, that they become ſafe by the multitude of thoſe who have been Partakers in it (for it has been the conſtant Courſe of Miniſters who would rob a Nation with Impunity, to give to all that ask, and to refuſe no man who has either Intereſt or Parts, that fortify'd by a ſtrong Confederacy they may bear down all ſort of Inquiſition and outbrave the Laws) but very often the wants of the people, crying aloud, have awaken'd good Patriots, and bold Spirits, whom neither the Power, nor the Number of the Offenders, could affright; and theſe Lovers of our Conſtitution, in many former Reigns (as ſhall be ſhown in the progreſs of this Diſcourſe) have couragiouſly attack'd, and brought to Condemnation, perſons in the higheſt places of Authority, who, in breach of their Truſt, had preſum'd to procure to themſelves Grants of the Kings Lands or Treaſure, and who had converted to their own uſe what was given and intended for the Maintenance and Preſervation of the State.

Princes, when they come to know the true ſtate of things, are not unwilling to prevent their own Ruin, which is manifeſt

feſt from this, That the moſt Wiſe, Valiant, and moſt Heroick of our Kings (as ſhall likewiſe appear by and by) have given way to Inquiries of this nature, and not thought it inconſiſtent with their Royal Dignity and Honor, to reſume even their own Grants, when they have been repreſented by the whole Body of their People as hurtful to the Commonwealth.

In Democratical Governments War did commonly unite the minds of men; when they had Enemies abroad they did not contend with one another at home, which produc'd one good effect, that then the Adminiſtration of Affairs was left to the beſt and ableſt Hands. They choſe for their mutual Strivings, for ſetting afoot Factions and dangerous Brigues, times of the profoundeſt Peace, and at ſuch ſeaſons men grown Popular by wicked Arts, ambitious Pretenders, light Orators, and the worſt ſort of Citizens, had the moſt ſway and Authority among the People, which occaſion'd *Phocion* to utter theſe memorable words to one of this ſtamp, *I am at preſent againſt War, tho it puts the Power into my Hands, and tho ſuch turbulent and naughty Spirits as you are, govern all things in times of Peace.* But notwithſtanding it has thus hap-

happen'd in ſome Commonwealths, it has prov'd otherwiſe in mix'd Governments, where the ſeveral parts of the Conſtitution have their diſtinct Powers, Rights and Priviledges: And particularly in this Kingdom it has been ſeen that mens minds have been moſt diſunited, when there was the greateſt need of Concord. Among us heretofore foreign Wars, inſtead of allaying Factions for the preſent, have ſet 'em in a higher Flame, and, contrary to antient Prudence, when we wanted the beſt, the worſt men have got to be at the Head of buſineſs: All which did chiefly proceed from the Neceſſities to which our Princes were reduc'd by their Expeditions abroad: For War occaſions Taxes, Taxes bring Want, Want produces Diſcontent, and the Diſcontents of the People were ever the beſt Materials for deſigning and ambitious men to work upon; when the People is griev'd and ſullen, Parties are eaſily form'd; when Parties are form'd, at firſt they let themſelves be adviſed and ruled by ſuch as have true Publick Zeal and Virtue, but of thoſe they grow quickly weary, and then they fall into the hands of ſuch as only make a falſe Profeſſion of it, and in a little time they are entirely directed by Perſons, whoſe

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ſole driſt is to build their own Fortunes upon the Ruins of their Country; in the mean while the ſtrength and number of their Party makes theſe leading men powerful, and gives 'em ſuch weight that they muſt be courted, preferr'd and bought; often they muſt have one half to procure the other; and ſo conſiderable do they grow, that if they are ſuffer'd, they preſently invade all Offices and Employments, in which when they are ſecurely planted, they likewiſe give to one another all the Lands and Revenues of the State: And our Hiſtories ſhew, that in former times, Princes reduc'd to ſtreights by War, have been forc'd to wink at this, and to permit theſe buſie men, then thought neceſſary, to do all, engroſs all, Rob the Publick, ſhare the Crown Lands, and in ſhort to commit what other waſte they pleaſe. Thus as in Commonwealths the worſt men are moſt powerful in times of Peace, under Regal Governments they are ſtrongeſt and ableſt to do hurt in times of War: But whereas in Commonwealths Peace has brought ſundry Miſchiefs, in the Government by Kings it often produces good order, and better Adminiſtration; for ſeveral of our Princes, whoſe Neceſſities compell'd 'em

to

to endure the Rapine of their Miniſters in time of War, have, in times of Peace, diveſted thoſe Publick Robbers of their unlawful and outragious Plunder.

We have now upon the Throne a King willing and able to correct the Abuſes of the Age, Willing from the wiſdom of his Mind, and the goodneſs of his Temper, Able from that Power and Strong Intereſt which his Courage and his other numberleſs Virtues have procur'd Him in the Hearts and Affections of his People. Men readily obey and follow him whom they reverence, for which reaſon ſome Philoſophers have placed the Original of Power in Admiration, either of ſurpaſſing Form, great Valour, or Superior Underſtanding; Heroick Kings, whoſe high Perfections have made 'em awful to their Subjects, can ſtruggle with, and ſubdue the Corruption of the times; A *Hercules* can cleanſe the *Augean* Stable of the Filth which had not been ſwept away in thirty years. Princes whom their Effeminacy, Weakneſs, or Levity have rendred contemptible, may fear Idols of their own making, and ſtand in awe of Men become terrible, only by greatneſs derived from them. They may be affraid to pull down Miniſters, and Favorites, grown formidable by the united Councils of

their Faction, by the Number of their Followers, and ſtrength of their Adherents, and ſo let male-adminiſtration proceed on, as thinking it too big to be amended; but magnanimous Kings, who have the People of their ſide, need entertain no ſuch Thoughts and Apprehenſions: they know that theſe Top-heavy buildings, rear'd up to an invidious height, and which have no ſolid Foundation in Merit, are in a Moment blown down by the breath of Kings. Good Perſons indeed, grown great and popular from the Fame of their real Worth and Virtues, may perhaps be dreadful to bad Rulers, but bad Men, let 'em have never ſo much ſeeming Greatneſs, and Power, are very rarely dangerous to good Princes.

The Cabals of a Party, the Intreague of a Court, nor the Difficulties ſome may pretend to bring upon his affairs, never terrify a Wiſe and Stout King, bent to reform the State, who has the love of his People, and whoſe Intereſt is one and the ſame with Theirs. We have never yet heard of a Tumult raiſed to reſcue a Miniſter whom his Maſter deſired to bring to a fair Accompt; On the contrary, to ſee upſtarts, and worthleſs Men, inrich'd with Spoils of a Country, has been the Occaſion of many popular Seditions, which wiſe

wiſe Kings have appeaſed by a juſt and timely Sacrifice.

None are ſo able to mend what is amiſs in State as Kings who enjoy their Crown from the Subjects Gift; May be it has been ſometimes thought harſh in thoſe who were born in Purple to look into abuſes with a Stricter Eye than their Predeceſſors; But Elected Kings are preſum'd to come in upon the Foot of Reformation, and ſo are juſtifyed, by the Voices of all Mankind, in purſuing the Ends for which they were called by the People; If therefore ſuch Kings are ſevere in looking into their Accompts, If they are frugal of the Publick Money, If they examin into the Corruption of their Officers, If they enquire into the ſudden and exorbitant Wealth of thoſe who have had the handling of their Treaſure, If they rigorouſly puniſh ſuch as in breach of their Truſt, and contrary to their Oaths, have converted to their own uſe what belongs to the State, If they abandon and reſign into the hands of Juſtice ſuch as have robb'd them and the Publick, If they reſume what has been obtain'd fraudulently by ſurprize, and upon wrong ſuggeſtions, and If they take back what was too great to give, and much too great to be ask'd, 'tis with

the univerſal Applauſe of the People, whom this Care relieves from frequent and heavy Taxes.

There is no Good which may not be expected from the Wiſdom and Reſolution of the Prince who now fills the Throne: When he came over hither he found many of the Chief Rank and Figure overwhelm'd in Publick and Private Vices, and in a Country ſo corrupted, 'twas difficult to have a virtuous Court. They who ſhould have help'd him to mend Things, were readier to promote the Diſorders by which they might thrive, than to ſet afoot a Frugality, under which they could not ſo well do their own buſineſs; If they had Preach'd up Thrift, as neceſſary to carry on a long and expenſive War, with what Face could ſuch a Great Man have begg'd ſuch a parcel of the Crown Lands, one a vaſt ſum of Mony, another this forfeited Eſtate, One ſo much Timber out of the Forreſt, his Friend ſuch a Reverſion, his Friends Friend ſuch a large Penſion? And if they had held the Purſe cloſe ſhut up to others, they muſt have bluſh'd when they were begging ſo much for themſelves.

All theſe diſorders are to be attributed to the Corruption of the Times, and to the neceſſities thereby introduc'd, when Parties

Parties were to be gratified, when turbulent Spirits, who could obſtruct affairs were to be quieted, and when too many expected to be paid for preſerving themſelves, and their own Country from a foreign Enemy; Inſomuch that when our Story comes to be read hereafter, Poſterity will wonder (where the Subjects were ſo craving at Court, and in another Place) how the Prince could ſave, from ſuch a Number of Spoilers, wherewithal to carry on his Wars abroad.

The Kings admirable Conduct has waded through all theſe Difficulties, He has given as a Peace when the continuance of the War was deſired by too many at home, as better conducing to their dark deſigns. At his firſt coming over he ſav'd that Religion which our mean Complyance under former Princes had put in danger. His prudence kept for ten years a People, divided amongſt themſelves, united againſt the Common Enemy. All the Misfortunes in his Reign have been the Reſult of our proper Corruptions, all the Good the Effects of his own Wiſdom, and his Virtues will at laſt bear down, and maſter all our Vices.

He firſt form'd that League which has preſerved the Liberties of *Europe*. He has with a Confederate Army manag'd along

War, and brought it to a good Concluſion, of which there are but few Examples in Hiſtory; for tho the beginnings of Confederacies have been always vigorous, and ſucceſsful, their Progreſs has been generally feeble, and Event unfortunate. By his Intereſt and Power he has made a King of *Poland*, an Elector of *Collein*, and erected a ninth Electorate in the Empire. He has reſtored the Duke of *Lorraine*, and taken the Bridle off from the Heads of the *Italian* Princes, by having been the Cauſe that *Cazal* and *Pignerol* were demolliſh'd. He has procur'd advantageous Terms for all his Allies. He has cauſed fortified Towns and large Provinces to be reſtor'd, which had been conquer'd long before. He forced his Potent Neighbour to make the the firſt Advances towards a Peace, which is more than Wiſe Men, when the War began, could promiſe to themſelves in their moſt Sanguine Hopes. He made himſelf be ſought to when his Enemies proſper'd, and when the Confederate affairs declin'd. All which are manifeſt Proofs that he is as Great in the Cabinet as in the Field.

And, to Crown all his Glories, by one Act he has ſhown his Goodneſs to humane kind, and given a Demonſtration that he never deſired Power but for the

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Benefit of others: His ſo cheerfully diſbanding the Army at the requeſt of his Parlament, is a Proof, beyond all Contradiction, that he both Loves and Truſts his ſubjects, and that his Noble Mind, conſcious of no ill is apprehenſive of no Danger.

While Tyrants, who inſlave their Country, are affraid tho inviron'd with Numerous Troops, He knew himſelf to be ſufficiently guarded by the Affections of his People: Many Princes who have taken up Arms to relieve an oppreſs'd Nation, have made it appear, in the courſe of their Proceedings, that they were incited to it by ſome Ambitious Ends, and not alone mov'd by a true deſire of that Fame which follows virtuous Deeds, and the People they came to redeem have afterwards found that they did no more than change one bad Ruler for another; But this Heroick King has follow'd the Pattern of *Timoleon* the *Corinthian*, who not only reſcued the *Sicilians* from Tyranny, but likewiſe left 'em in full Poſſeſſion of their Freedoms: He has ſquar'd his Actions by thoſe of *T. Quintius Flaminius*, who when he had ſubdu'd the *Macedonians*, and reduc'd King *Philip* to Terms of Peace, erected an eternal Trophy to his future Renown, when he pronounc'd by the Voice of a Herald, *That* Greece

ſhould thenceforward be exempt from Taxes, Impoſitions, and Garriſons, and Free to Govern it ſelf by its own Laws. The ſame Liberties did the King in effect Proclaim for ever to all *England* when he delivered us from the Expences, and (which lay more heavily upon us) from the Terror of a Standing Army.

His happy Reign has not only freed our Perſons, but likewiſe ſet our Minds at Liberty, which had for many Years been inſlav'd by wrong Principles of *Unlimited Obedience due to the unlimited Exerciſe of Power*: Notions with which the Schools had poiſon'd our Youth, and which only ſerv'd to draw the Prince on to Govern amiſs, but prov'd no ſecurity to him when the People were grown weary of ill Government. The late Revolution, juſtified by its Neceſſity, and by the Good it has produc'd, will be a laſting Anſwer to all that fooliſh Doctrine; ſo that, with the other Bleſſings of this King's Acceſſion to the Throne, the very Preſident is not to be accompted among the leaſt: Inſomuch that what we did at that time, not only freed us then, but has ſet Liberty it ſelf upon a better Foot, and cur'd us of thoſe blind Errors, and dark Miſts which our own Luxuries, and the Craft of Courtiers, had brought upon our Underſtanding.

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A Prince thus adorn'd, fear'd for his Courage, admired for his Wiſdom, and belov'd for the Good he has done his People, muſt certainly be able to ſurmount the greateſt Difficulties. 'Tis not a Baffled and diſhearten'd Party, lingring may be after their former Bondage, can give him any Oppoſition Much leſs need he apprehend the Mercenary and inconſtant Crew of the Hunters after Preferment, whoſe Deſigns are always ſeen through, who are diſpis'd as ſoon as known, and who only lead one another.

But a King who would reform the State for the general Eaſe and Benefit of his People, muſt expect to meet with ſome Difficulties, eſpecially if a great many of thoſe about him are Partakers in the Abuſes he would correct: All ſort of Rubbs will be laid in the way, and the Fears of ſuch as may be call'd to an accompt will make 'em ſet all kind of Engines at work.

Firſt they will put a high Value upon their own Deſerts, and arrogate to themſelves the Single Merit of the many Millions which the whole Nation has both freely paid and Granted: They will produce Preſidents of other Ages, and ſhow long Liſts of Grants obtain'd under former Reigns; but, at the ſame time,

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they will take care not to mention how ſuch Proceedings have been always Reſented, and often Puniſh'd in this Kingdom.

They will endeavour to blaſt the Reputation of ſuch as would enquire into their Actions; and tho perhaps there are no other poſſible Ways and Means left to ſupply the State, but by making 'em diſgorge, and but by bringing them to a Reſtitution, yet they will pretend that all Motions leading thereunto, and all Inquiries of this nature, are nothing but the Effects of Diſcontent, and the Reſult of Faction.

And becauſe, in all their Doings and Councils, they have never had any view but their own private Profit, they will do their beſt to perſwade the World, that no man acts upon Principle, that all is ſway'd by particular Malice, and that there is not left in the Kingdom any Party of men which conſult the Publick Good.

They who are conſcious of their Guilt, and apprehenſive that the Juſtice of the Nation ſhould take notice of their Thefts and Rapine, will try to give all things a falſe Turn, and to fill every place with falſe Suggeſtions: Sometimes they will accuſe Innocent Perſons, that ſo, by putting the People upon a wrong Scent, they

they may avoid the Purſuers, and ſcape unpuniſh'd: At other Seaſons they will boaſt of the Number of their Friends and Adherents, thinking to awe both the Court and Country with an Opinion that their Party is too Strong, and too Powerful to be reſiſted.

And, that the knowledge of their Crimes may never reach the Prince's Ear, they will endeavour to engroſs him to themſelves, by miſrepreſenting all others that are not of their Cabal, either as diſaffected to his Perſon, or as Enemies to Kingly Government. Thus they did heretofore; and tho there were truly but two Parties in *England*, conſiſting of thoſe who would promote male-adminiſtration, becauſe they got by it, and of thoſe who deſir'd things might be well Govern'd, that they, and ſuch as they repreſented might be eas'd; which two ſides were heretofore diſtinguiſh'd by the Names of Court and Country Party; to which likewiſe they could have put an end, whenever they had pleaſed to have miniſter'd leſs occaſion of Complaint; yet they will revive old Names of Diſtinction, giving odious Appellations to the beſt Patriots, pretending there are dangerous Factions form'd, ſo to frighten the World with Phantoms of their

their own Creation. Theſe falſe turns they will give, and theſe wrong Suggeſtions they will make, in order to drive all Power into what they call their own Party, as if any Prince could be ſafe that ſhould rely upon ſo narrow and Rotten a Bottom.

And when their Actions ſhall hereafter come to be examin'd in that Place to which our Conſtitution has intruſted the Inquiry into, and the Puniſhment of ſuch Offences, 'Tis probable That up will riſe ſome Arrogant Man more Zealous for Himſelf than for his Maſter, and cry, *All that we have given among one another we have deſerved by our Services, and Labours in the State; what Projects have we not ſet afoot, and what ſums have we not procur'd? Did not the Miniſters in King* Charles's *Reign give away the Crown Lands; Recal thoſe Grants, and we are ready to ſurrender ours, Reſume all or none: 'Tis next to Demonſtration that theſe Clamours ariſe from a Diſcontented Party, who would diſturb the Government; they who look into our Proceedings act out of Malice, becauſe of the great thing we have done againſt* France; *what if ſuch a one got a hundred thouſand pound at once, did he not ſave the Nation? If we are us'd thus, what Encouragement will there be to ſerve Princes;*

ces? For my part I will never meddle more in your Buſineſs; All this tends to leſſen the Monarchy, invade the Prerogative, and to ſet up a Doge of Venice. *I Sir* (perhaps there may be added) *and the Majority are of this Opinion.* By this high Bearing, and theſe falſe ſuggeſtions, heretofore, well meaning Perſons have been frightned from reaching at great offenders, and even the beſt Patriots, by ſeeing with what warmth and Zeal the ſmalleſt Corruptions are defended, have been wearyed into Silence; And this has made ſome of our Kings believe that either the Offenders were grown above the Laws, or that the People conſented to thoſe things which they did not think fit to puniſh: But wiſe Princes ſee through all this, They know that an honeſt and faithful Miniſter will be contented with moderate Favours; That very often nothing but the ill Contrivance of the Aid belongs to thoſe he employs, and that the Gifts come from the free Affections of the Subject; That Patterns to Rule by are to be ſought for out of Good, nor looſe Reigns; That Inſpections which look too far backward produce nothing; That a few may complain without reaſon, but that there is occaſion for Redreſs when the Cry is univerſal; That no Mili-

Military Action, or other Merit, can give a Man a juſt Title to Rob the Publick; That even good Miniſters are thought no more on when they are out, and that certainly Bad ones may retire without being miſt; That abſolute Power is not a Plant that will grow in this Soil, and that Stateſmen who have attempted to cultivate it here have pull'd on their own, and their Maſters Ruin. A wiſe Prince likewiſe does not care to ſee Corrupt Officers ſo earneſt to ſave one another, for 'tis always at his coſt; Nor does he like that his Miniſters, when attack'd, ſhould be able to protect themſelves in their Crimes by the Power of a Faction; for they who are ſtrong enough to bear down the Law, may preſume, in time, to think they ſubſiſt by their proper Strength, and that they ſtand upon their own Legs, and ſo come at laſt to ſlight his Authority.

Bad Men have ever given a falſe Colour to their Proceedings, and cover'd their Ambition, Corruption, and Rapine with the pretence of their Maſters Service; They make him believe their Greatneſs advances him, whereas truly it tends to his diminution, and he is often weak for want of that Wealth and Power which they ſhare among one another: Their Riches

Riches has frequently brought Envy upon the Prince, but we can hardly meet with an Inſtance of any who in his Diſtreſs has been aſſiſted from the Purſes of his Miniſters, for they are commonly the firſt who fly from his Mi-fortunes: And tho they pretend that his Power is reverʼd in them, and that they make him Strong by the Benefits he lets them beſtow, yet a Wiſe King ſees through all this Artifice, and knows, That he who would reap any Advantage from his Favours in the Opinions of Men, muſt make 'em ſenſible that they owe them ſingly to his Goodneſs, and not to the Interceſſion of thoſe about him.

But of all the falſe Suggeſtions made by thoſe who have arrivʼd at great Power by wicked Arts, none have provʼd ſo dangerous as theſe, which, in former Reigns, have been frequently inſinuated in the Cabinet. *Sir, we are your only Friends, ſtick by us and we will ſtick by you. Our Meaſures are diſpleaſing to the People, ſo were thoſe of former Miniſters. A few well united, and in one Bottom, have guided this Nation, and with hard Reins, as Witneſs the Times of* Cromwell. *Mind not the Qualifications of any man for this or that Office in the State, Is he with us? If he be hearty it ought to cover all other*

De-

Defects. Turn out, and diſcountenance ſuch as are not intirely with us in all our Councils. Make your Court of a piece. Let none preſume to be directed by his own Conſcience, or Reaſon; ought they to be in your ſervice who dare think your Miniſters can be in the wrong? Why do ſuch and ſuch Great Men refuſe ſuch and ſuch Employments, is it not plainly out of Diſaffection to the preſent Government, or that they like Popularity better than any favours you can beſtow upon 'em? Many are infected with Republican Principles, and ſeveral have an Eye towards the other ſide of the water. Have not other Hands been tryed and found reſty; but we ſtick at nothing. The other Party has been made uſe of, but 'twas thought fit to lay 'em aſide. 'Tis indeed pretended that with them is the Integrity, the good Opinion of the Nation, the Subſtance, Learning, Parts, Knowledg, and Experince in affairs; however we are more diligent, and better united. But does not there lye a kind of Neceſſity upon you to make uſe of us, and of us only? Does the other ſide make any Offers to come in? Loaded as they ſay we are with the Publick hatred, and tho we may be thought unfit to carry on your Buſineſs, yet 'tis better joining with us than to ſtand alone. Is not the other ſide cold and reſerv'd, and do not the beſt men among 'em

'em refuſe to meddle in the Adminiſtration? with ſuch like falſe whiſpers, in former Reigns, the Ears of Princes have been poiſon'd, And by theſe pretended Friends they were induc'd to Purge, as they call it, till the Body Politick was quite exhauſted of all its good Spirits: Such a one, who had done a thouſand faithful Services, muſt be laid aſide, becauſe his juſt Fears would not permit him to give into the laſt bad Meaſures. This Man was againſt me; we ſuſpect ſuch another; Some are too cautious, ſome too diſcerning, Others left us in ſuch an important Vote; And they grow to that Preſumption, by degrees, as to adviſe that a whole Party ſhould be frown'd upon, depreſs'd, and utterly trodden down; And thus they Lop, and Lop, on this, and that hand, cutting away the Tall, Sound, and Subſtantial Timber that us'd to ſhelter 'em from the Winds, till, in the End, they leave the Government a Trunk naked, defenceleſs, and obnoxious to every ſtorm; But when they proceed ſo far as to get the Prince to declare openly for one, and againſt the other Side, they lay the Ax to its very Root.

Some Kings have thought it Politick to nouriſh Factions in their Court, but then they preſerv'd themſelves Neuter, and ſo made both ſides ſubſervient to their Deſigns, and even this has been rather eſteem'd Subtlety than Wiſdom; but no Prince, that could help it, did ever let Faction grow National; However, if 'twas out of his Power to prevent this Miſchief, 'twas never thought Prudent in him to liſt himſelf on either Side; And *Henry* the 3d of *France* is a memorable inſtance, how fatal 'tis for the Soveraign to become the Head of any Party.

Partiality is the little Weakneſs of Private Men and unbecoming the Greatneſs of a Prince, whoſe Favour ſhould ſhine upon the whole Body of his People as the Sun ſheds his benign Influence upon the univerſal Face of Nature, not warming one Part of the Globe only; If it can be compaſs'd, He ſhould quite root out Faction, but if the Diſeaſe be too inveterate to be cur'd, without doubt 'tis a Point of the higheſt Wiſdom for him to bear himſelf evenly between both, ſo that neither Side may deſpair of Favour, or at leaſt ſo carry it that both Sides may remain in full Aſſurance to find

ſind equal Juſtice. Nor is it impoſſible to contrive Matters ſo as to beget an Emulation in Parties which may produce good Effects, that is, by wiſe Governing it may be ſo ordered, that both Sides ſhall be at ſtrife, not which ſhall flatter moſt, but which ſhall do the Prince and the Publick the moſt honeſt, and the moſt faithful Service; And this is done, when, without any regard under what Banners, in a divided Country, Men had liſted themſelves, thoſe Perſons are pitch'd upon for the Miniſterial Part of Government, who are moſt remarkable for their Capacity, Experience, Integrity, and Knowledg in Affairs; And a Prince who makes ſuch a Choice of Miniſters, will ſoon beget a Virtuous Emulation between the Factions, and ſet both Sides upon ſtriving which ſhall ſerve moſt cheaply, with the feweſt Selfiſh Deſigns, and which ſhall handle his, and the Nations Money, with the cleaneſt Hands: But when by the favour of thoſe that Rule, one ſide is become much ſuperior to the other, this Virtuous Emulation ceaſes, and both ſides contend, only to put one another in the Wrong, each ſide obſtructing what the other moves, let it be never ſo much for

for the Publick Good: But when the Miſchief is grown to ſuch a height, that being of a Party, is to be the Principal, if not the only Recommendation, then the Hotteſt Men, who are generally the worſt, and Corrupteſt Members of it, are ſure to have the moſt Power; and when the Adminiſtration is in their hands they proceed without Comptrol, for the ſide which ſhould oppoſe them is diſcountenanc'd, frown'd upon, out of Credit, and diſcourag'd from inquiring, becauſe their Inquiries are blacken'd and miſrepreſented; And when all this happens, They who have the Power, rob the Prince, waſte his Treaſure, and run him into immenſe Debts: Thus Kings heretofore who ſhow'd themſelves partial to a Party, had the ſervice only of the worſt part of their People, and their Reigns were commonly anxious and unquiet becauſe when engag'd with a ſide, they were often forc'd, againſt the Nature of their Office, to protect the Bad againſt the Good, and even to defend the Male-adminiſtration by which they ſuffer'd.

They who were for Engroſſing the Prince to Themſelves, and who endeavour'd to make him Suſpect all others, gave

gave their pernicious Advice this falſe Turn, That becauſe many Great Men retir'd, and becauſe neither They, nor ſuch as were call'd of their Party, ſhow'd any Inclination to meddle in Buſineſs, it muſt be that they meditated ſomething elſe, and bore ill will towards the preſent Government. Indeed, the Ambition of Mankind conſider'd, it was a wonder, in former Reigns, to ſee Perſons the moſt conſpicuous for Underſtanding, deep Reach and Experience, employ their time with their Books in making Gardens, or in Building, and that they ſhould not rather ſeek thoſe Dignities, to which their Birth and Superior Abilities did in a manner give 'em a juſt Right. Why did they let the chief Offices of the State be polluted by mean Hands? Why did they ſuffer others to ruin that Country which was in their Power to ſave? And why all this Philoſophy in ſo light and buſie Times? Why has there been now and then a kind of a Preſs iſſu'd out for Miniſters, ſo that as it were the Vagabonds and Loyterers were taken in? Why have ſome Men been condol'd by their Friends for having been drawn in to take a

Great Place, and why have others been univerſally Congratulated when turn'd out, tho with Marks of Diſpleaſure? when all this happen'd it could not be without a Reaſon, there muſt have been ſome Strong Inducements that ſhould move the Prime Perſons of a Nation to ſhun Employments attended with Power and Profit. No doubt, in former Reigns, it was Becauſe they did not like the Adminiſtration of affairs, nor the Perſons with whom they were to be joyn'd; Becauſe they perceiv'd dark Deſigns carry'd on againſt our Liberties, and that they were not willing to mix in deſperate Councils, nor to participate in the Blame of what they ſhould not be able to hinder; Becauſe they ſaw the Prince Robb'd by thoſe about him, his Crown Lands all ſhar'd and given away, and his Treaſure waſted, and Becauſe they ſaw Things done that would bear no Inquiry, and that could never be juſtifyed before the People.

They knew that our Laws put little Difference between a Miniſter who contracts actual Guilt himſelf, and him who permits others to commit a Crime, which by the Authority of his Office he might have prevented; Therefore when bad Things

Things were in Agitation, and when deſtructive Advices were promoted, Some have refus'd Employments, others have laid down White Staves, the Secretaries Seals, the Privy Seal, the Great Seal, and other Offices of high Truſt, rather than Act againſt their Maſters true Intereſt, and the Conſtitution of their Country. And for theſe Reaſons, in former Reigns, the Ableſt and Greateſt Perſons in the Nation, and ſometimes whole Parties of Men, have refus'd to meddle in the Employments and Buſineſs of the State.

But when theſe Errors may be corrected, which a few commit at the Expence of the whole Kingdom, when things will bear a right Adminiſtration, when the Nations Money may be frugally manag'd, when the Thefts upon the Public can be look'd into and Puniſh'd, when thoſe Servants may be call'd to an Accompt who have broken their Truſt, and in their Offices conſented to the Plunder of their Maſter, When true Order is promoted, When that Thrift can be ſet afoot which will eaſe the People in their Taxes, When the pleaſant Work of doing Good is to be perform'd, and When they have not before their Eyes

the frightful and heavy Task of ſupporting ill Conduct, All Perſons will embrace the Government, All Parties will cheerfully come in, and the beſt Men will be the moſt Eager to aſſiſt the State with their Purſes, Councils, Endeavours, and Affections.

And thus we hope to have fully anſwer'd their Arguments who would deter a Prince from looking into their Corruptions, by making him believe, that thereby he will injure his only Friends, and who would narrow his Intereſt by confining his Favours to their Party.

A King never wants Aſſiſtance who will look into abuſes, and their Faction whoſe Intereſt it is to protect Male-adminiſtration, will be found very weak when He is earneſt to have what has been amiſs amended, becauſe but a few are Gainers by Miſgovernment, and a Multitude are injur'd by it.

But as all Seaſons are not proper for Phyſick, ſo all Times are not fit for purging the Body Politick; Times of Action and War are not ſo convenient for ſuch Councils as tend to correct Abuſes in the State. Perhaps, during the late War, ſome Things may have been done

done in *England*, which the King, in his high Wiſdom, may think neceſſary to animadvert upon now when He is at leiſure from His Buſineſs in the Field; And no doubt when He goes upon ſo good a Work, He will be aſſiſted by all the beſt Men of all Parties, and by the whole Body of His People.

The Writer of theſe Papers has conſtantly endeavour'd to make his Studies tend to the Service of the Publick, and his Aim has been to incite in Young Gentlemen a Deſire of being acquainted with the Buſineſs of the Nation, and this knowledge lying under abundance of Rubbiſh, his Scope has been to remove this Rubbiſh, and to dreſs up crabbed Matters as agreeably as he can, and to give, as it were, ſhort Maps of Things which others will not take the Pains to travel through themſelves: In order to which he has devoted his Hours of Leiſure to Inquiries into the Trade and Revenues of this Kingdom; And not ſerving his Country in an Active Life, he hopes to make his Solitude and Contemplation of ſome uſe, ſo as to ſhow himſelf not altogether an unprofitable Member of the Commonwealth.

And

And the Parliament having laſt Seſſions *Conſtituted Commiſſioners for Inquiring into, and Taking an Accompt of all ſuch Eſtates, both Real and Perſonal, within the Kingdom of* Ireland, *which have been Forfeited for High Treaſon by any Perſon or Perſons whatſoever, during the late Rebellion within that Kingdom.* And the Houſe of Commons (as appears by their Printed Votes) having directed that the Grants of the Crown Revenue in *England* ſhould be laid before 'em; And it being Notorious that almoſt all the Land remaining in the Crown of *England* at the Revolution, and that much the largeſt Share of the late forfeited Eſtates in *Ireland*, are now got into Private Hands; And the People at this time lying under a great Variety of New Taxes, And the Neceſſities of the State being very preſſing, And the Publick lying under many heavy Engagements, and the Honor of the Nation being in a manner at Stake to make good ſeveral Deficiencies, *All Ways and Means* of Raiſing Money being likewiſe difficult to the laſt Degree, It appearing alſo reaſonable to conſult the Land Intereſt, and at laſt to give the Landed Gentlemen ſome Eaſe, who have born the chief Burthen of the War; And no Fond being

being large enough to come in the Room, and Place of Land, except the late Forfeitures in *Ireland*; And all Men thinking it but juſt and fair that the War in *Ireland* ſhould pay ſome part of its Expence, Our Debts likewiſe being ſo immence, that every thing ſhould be look'd into, and all poſſible Thrift thought upon, Mankind alſo abhorring to behold a Few inriched with the Spoils of a whole Country, and to ſee Private Perſons accumulating to themſelves vaſt Wealth in this Poverty of the Publick, And the Univerſal Voice of the People ſeeming to call for ſome kind of *Reſumption*, The Writer of theſe Papers thought it might not be unſeaſonable to Publiſh a Diſcourſe upon *Grants*, in handling of which Subject he purpoſes to take the following Method.

Firſt, he will ſhow how the Greatneſs of the *Romans* took its Riſe from the Thrift that was ſhown in all Matters relating to the Publick, That this Wiſe Nation made almoſt every Foreign Expedition bear its own Charge, That the beſt of their Emperors were the moſt Frugal, That ſuch Emperors did not look upon the Treaſure and Revenues of the State to be their own, and abſolutely at their

their Diſpoſal, but always thought that the Publick, and the Commonwealth, had an Intereſt in it, That when the Treaſure and Revenues of the State were exhauſted by Prodigality, it made way for the Invaſions of the Northern People, and at laſt produc'd the utter Ruin of the Empire. This will be the Subject of the Second Section.

In the third Section he will ſhow how careful our Anceſtors in *England* were at the forming this Conſtitution, to make ample Proviſion for maintaining the Kings Crown and Dignity, And that when thoſe Lands and Revenues had been parted with which were alotted for his, and the States Service, Parliaments have ſeldom fail'd to relieve, and reſtore his Affairs by Acts of Reſumption.

In the fourth Section he will ſhow how our Anceſtors have handled ſuch Miniſters of State, as in breach of their Truſt, did preſume to procure to themſelves Grants of the Kings Lands, And how both this Nation, and other Countreys, have proceeded with thoſe who did imbezzle, or convert to their own uſe the Revenues of the Prince.

In

In the fifth Section he will ſtate the preſent Deficiencies in diverſe Fonds, and offer ſeveral Reaſons why the Forfeited Eſtates in *Ireland* ought to be apply'd towards Payment of the Publick Debts.

SECT.

SECT II.

Obſervations upon the Manage-ment of the Romans *in their Public Revenues.*

IT may not be amiſs to give the Proſpect of a vaſt Empire, rais'd to its Greatneſs by Wiſdom and Frugality, and ruin'd by Profuſion and ill Conduct: the only uſe of Hiſtory being, To give us good Rules, by which we ſhould ſquare our own Actions, and to mark out the Shelves, and Rocks, upon which other Governments have ſplit, that thereby we may learn to ſteer our own Courſe better, and to avoid the like Dangers.

Macrob. l. 1. Saturnal. c. 6.

Valerius Publicola was the firſt who order'd that the Revenue accruing to the Commonwealth ſhould be laid up in the Temple of *Saturn*, perhaps that the Reverence of the Place might make it be held

held the more Sacred. They lodg'd there two ſorts of Treaſure, the one in daily uſe, conſiſting of Tributes and ordinary Payments, the other was called the * *Aurum Viceſimarium*, which was not to be touch'd but in caſes of the laſt Neceſſity. 'Tis true, for ſome Ages the Publick had but little occaſion for Money, becauſe, till the Siege of *Veies*, which was about Three Hundred and Fifty Years after the Foundation of the City, their Soldiers had no ſtipend. However to have a Reſerve, which might anſwer any great Emergency, well ſuited with the Foreſight and Wiſdom of that People. As their Empire grew, and as they entertain'd Thoughts of enlarging their Dominion by diſtant Conqueſts, they became more ſollicitous to gather ſuch a ſtock as might uphold the State in times both of War and Peace, without burthening the Plebeians (a matter by them ever carefully avoided) in which they were very much aſſiſted by the virtue of thoſe to whom they intruſted the Command of their Armies, of which for a long time every one behav'd himſelf like a faithful Steward to the Commonwealth, accompting exactly for ſuch Spoils as were made upon their Ene-

* Tit. Liv. l. 27.

Enemies. To the Common Treasury were brought the Riches of *Carthage*, *Sicily*, of the Cities of *Asia*, of the Kingdom of *Macedonia*, and of the other Conquer'd Provinces of *Greece*. Their Generals, as well as their Statesmen, did not think of building up Fortunes to Themselves, but of inriching the Commonwealth: And till some few years after the last *Punick* War, we hardly read of any one who grew wealthy by the Plunder of Provinces. In the following Age indeed several began to convert to their own use part of the Spoils gotten abroad, but they were Men that hatch'd wicked Designs against their Country, and who thought Private Wealth an Engine very needful for such as purpos'd to overthrow Publick Liberty; of which number were *Marius*, *Sylla*, *Pompey*, and *Cæsar*: Among these Robbers of the World *Lucullus* may be reckon'd, who perhaps had the same Intention as the rest of inslaving *Rome*, but 'tis probable the Mutiny he found among his Soldiers after his famous Victories, and wonderful conduct, made him out of love with Action, so that he employ'd in a quiet Life, join'd with excessive Luxury, what the others made sub-

ſubſervient chiefly to their Ambition: Not but that his Riotous Pomp had in its Example Effects very dangerous to Liberty, ſince it is a neceſſary Ground for all free Governments, that as well the manner of Living, as the Eſtates of the Citizens, ſhould bear ſome ſort of Equality. However, tho theſe men minded their own Concerns more than became good Patriots, yet all of 'em enrich'd their Country, and the vaſt ſumms of Gold and Silver brought into the common Treaſury, made a principal part of their Triumphs.

Beſides, they who had the Management of Affairs took Care that every War ſhould at leaſt maintain itſelf; which they did by laying a Tribute upon the Conquer'd Nation. *Fabritius* having overcome the *Lucani*, *Brutij*, and the *Samnites*, * *Militem ditavit & quadringenta Talenta in Ærarium retulit*, whoſe Example † *Julianus* propos'd to himſelf and and Soldiers. *Scipio* in his Treaty of Peace with the *Carthaginians*, oblig'd them to the Payment of ten thouſand Talents in fifty years; * *Decem* M *Talentum Argenti deſcripta penſionibus æquis in annos* L *ſolverent*; over and above which, *Argenti tulit in Ærarium pondo Centum*

* Dioniſii Fragm. Lib. 6.
† Ammian l. 24.

* Tit. Liv. l. 30.

Millia XXXIII. And in the Treaty between *T. Quintius Flaminius* and K. *Philip*, one Article was, † *Mille Talentum daret Populo Romano: dimidium preſens, dimidium penſionibus decem annorum.* Nor did *Spain* afford an ill Crop from one part of which *Cornelius Lentulus* brought * *Auri Mille & Quingenta pondo quindecim, Argenti Viginti Millia, Signati Denarios triginta quatuor Millia, & quingentos quinquaginta:* And from the other part, *L. Stertinius quinquaginta Millia pondo Argenti.* And from whence not long after *Helvius* brought † *Argenti infecti quatuordecim Millia pondo Septingenta triginta duo: & Signati bigatorum* XVII *Millia* XXIII. *& oſcenſis Argenti* CXX *Millia* CCCCXXXVIII. And *Q. Minutius* within two months after, * *Argenti pondo triginta quatuor Millia octingenta: Bigatorum* LXXVIII *Millia, & oſcenſis argenti* CCLXXVIII *Millia.* For which reaſon *Porcius Cato*, who was at the ſame time in *Spain*, ſent back the Purveyors who came from *Rome* to provide Corn for the Army, with this memorable ſaying, *Bellum ſeipſum alet.* The ſame *T. Quintius Flaminius*, when he made Peace with *Nabis* Tyrant of *Sparta*, oblig'd him to pay † *Talenta centum ar-*

† Tit. Liv. l. 33.

* Ibid.

† Tit. Liv. l. 34.

* Ibid.

† Ibid.

rgenti in præſenti, & quinquaginta Talenta in Singulos annos per annos octo. *Porcius Cato* when he Triumph'd for the Conqueſt of *Spain* lodg'd in the Publick Treaſury* *Argenti infecti* XXV *millia pondo,* * Ibid. *Bigati centum viginti tria millia, oſcenſis quingenta quadraginta: Auri pondo mille quadringenta. T. Quintius Faminius* when he Triumph'd for the Victories in *Greece,* brought home † *Infecti Argenti decem & octo millia pondo, & ducenta* LXX *facti,* † Ibid. *& auri pondo tria millia ſeptingenta quatuordecim,* beſides an infinite maſs of other Treaſure. The Conditions propos'd by *Scipio Affricanus* to the Ambaſſadors from King *Antiochus*, and which were afterwards accepted with very little alteration, were * *Pro impenſis deinde in bellum factis Quindecim millia Talentum Euboicorum dabitis. Quingenta preſentia, duo millia & quingenta, cum Senatus Populuſque Romanus, pacem comprobaverint, mille Talentum per* XII *annos. Lucius Scipio* when he Triumph'd for the Conqueſt of *Aſia* brought home † *Argenti pondo* CXXXVII *millia*; & † Tit. Liv. CCCCXX. beſides Plate, and Gold and Silver coin'd. *Cn. Manlius* when he Triumph'd for his Victories in *Gallo-Græcia*, beſides other Wealth, brought home * Tit. Liv. l. 37, 38. l. 37.

* Tit.Liv. l. 39. * *Argenti pondo* CCXX *Millia : auri pondo* MMCIII. And 'tis obſerv'd that when *Æmilius Paulus* had ſubdued K. *Perſeus*

† Plut. Vit. Paul. Æmil. † he lodg'd in the Publick Treaſury ſuch a maſs of Wealth, that there was no need of raiſing any kind of Taxes till the Conſulſhip of *Hirtius* and *Panſa*. Sylla after the two Battels with *Archelaus* the Lieutenant of *Mithridates* near *Chæronea* and *Orchomenus*, laid a Fine upon *Asia Minor* of * twenty thouſand Talents, which anſwers to near four Millions of our Money. *Cato Utiſenſis* brought from *Cyprus* Seven Thouſand Talents (above thirteen hundred thouſand Pounds of our Money) which he made by the Sale of the Jewels, Plate, Houſhold-ſtuff and other Riches, of the *Ptolomy* who poiſon'd himſelf in that Iſland, and the Exactneſs with which *Cato* proceeded in that Commiſſion, is a Noble Pattern for ſuch to follow, as will handle Matters of Government with Integrity and Virtue.

† Plut.vit. Syllæ.

‡ Plut.vit.

* Cato. Uticen.

The Deſign of theſe Papers being to Stir up in the Minds of YoungMen Zeal for their Country, and a love to Publick Honour, we thought it not amiſs to lay before 'em theſe Examples of antient Thrift and Oeconomy, by which *Rome* was enabled to manage ſo many, and ſo expenſive Wars: From whence may be very

inferr'd, that this Commonwealth had never reach'd to ſo high a Pitch of Greatneſs, if their Commanders abroad had been permitted, without any Accompt, to convert to their own uſe the whole Spoil; Or if at home the Conſuls, Prætors, Ædiles, or (which is yet worſe) if the Quæſtors, or Treaſurers, had been allowed to procure Grants to themſelves, from the Senate, of ſuch Lands, as, from time to time, accrued to the State by right of Conqueſt. On the Contrary, had this ſort of negligent and foul Conduct been ſuffer'd in their affairs that Ruin muſt have happen'd long before, which came upon 'em as ſoon as they grew corrupted.

No Empire was ever great and ſtrong enough to carry on long Wars without any other Fond but its own Revenues, and thoſe Nations which have attempted it, have been quickly exhauſted; For a tedious Courſe of high Taxes raiſed to maintain Armies abroad, will as much impoveriſh the Invaders; as the Excurſions and Depredations of a ſudden War deſtroy the Invaded; and where matters are not ſo wiſely order'd, as that the Invaded are compell'd to pay the largeſt part of the Reckoning, the Conquerors will, in no long Tract of time, be brought to as bad a Condition as the Conquered People.

The *Romans* took their Measures better. They made very few barren Expeditions. And tho Dominion and Glory might be their principal Aim, yet 'tis evident they had something else in view, or at least that they generally took care to be paid their Expences, which they brought about sundry ways; From some vanquish'd Nations they took part of their Territory, sending thither Colonies of their own, by which at one and the same time, they disburthen'd themselves of a great many Indigent People, and Planted so many Strong Garrisons to secure their Conquests. Other Countries they reduc'd to Provinces, taking to themselves part of the Tribute which the Natives before paid to their Tyrants. To other Places they alotted the Payment of a Certain quantity of Corn, from others they required the furnishing of Ships of War, and Ships of Burthen: † *Sylla* compell'd *Mithridates*, at their Interview in *Troas*, to deliver to him seventy Gallies with all their Trim. They took either Arms, Ships, Soldiers, Mariners, or Provisions, from well nigh all the Nations that were honour'd with the Title of Allies and Friends to the People of *Rome*, who were no better than Tributaries under a softer name.

† Plut. vit. Sylle.

By

By theſe Courſes, as they enlarg'd their Empire, they increaſed the Publick Revenues.* *Pompey* by his Victories brought the ordinary Income of the State from what before anſwer'd to about 1,250,000*l.* of our Money, to 2,250,000 *l. per Ann.* which was yet farther augmented afterwards when the *Gauls* and *Egypt* became Provinces of *Rome.*

* Plut. vit. Pomp.

The Money lock'd up in the Temple of *Saturn* was rarely touch'd; we do not find any conſiderable ſumm drawn from thence till *Hannibal* had been in *Italy* ten years, about which time twelve of the 30 *Latin* Colonies refuſing to give any Aſſiſtance to the Common-wealth, In this danger, † *Cætera expedientibus quæ ad bellum opus erant Conſulibus, Aurum Vicesſimarium, quod in Sanctiore Ærario ad ultimos Caſus ſervaretur, promi placuit Prompta ad quatuor millia pondo Auri.* But when *Cæſar* invaded the Liberties of his Country, this ſacred Treaſury was ranſack'd. *Appian Alexandrin* ſays, * *Intactas ad id temporis Pecunias abſtulit. Florus* ſays, ſpeaking of this Action, † *Nec Pompeius ab Italia quam Senatus ab Urbe fugatur prior, quam pœne vacuam metu Cæſar ingreſſus Conſulem Seipſe fecit, Ærarium quoque Sanctum, quia tardius aperiebant Tribuni, juſſit effringi,*

† Tit. Liv. l. 27.

* Bell. Civ. l. 2.

† L. Flo-rus l. 4. c. 2.

cenſumque & patrimonium populi Romani antea rapuit, quam imperium. Some pretend to tell the exact ſumm which he drew from thence. *Freculph. Lexoviens* ſays thus, **Cæſar Romam venit negatamque ſibi ex ærario Pecuniam fractis foribus invaſit protulitque ex eo Auri pondo quatuor millia centum triginta & ſex, Argenti pondo nongenta Millia.*

* Tom. 1 Chron. l. 7. c. 8.

The ordinary Revenue of the Empire ariſing from the Colonies and Provinces, was likewiſe without doubt very much impair'd by the Civil Wars between *Cæſar* and *Pompey*, and between *Cæſar* and *Pompey*'s Sons, as alſo by the Civil Wars which *Auguſtus* maintain'd with *Brutus* and *Caſſius*: And certainly the Provinces were enough harraſs'd when they were divided between *Auguſtus* and *Marc Anthony* (whoſe Luxury alone was ſufficient to impoveriſh many rich Nations) and the Ruin of theſe miſerable People was yet more increas'd when *Auguſtus*, and *Antony*, in a long Civil War, contended for the Dominion of the whole; but when he began to Reign alone (which he did 44 Years) and as ſoon as he entertain'd Thoughts of tranſmitting the Empire to his Family, he ſet himſelf to put the Revenue in order, and to inrich

inrich the Publick, as other Great Men had done before him. But bearing, as he did, a great Mind, his principal Care was to embelliſh the City with magnificent Buildings, * *Urbem neque pro Majeſtate Imperii Ornatam & inundationibus incendiiſque obnoxiam, excoluit adeo, ut jure ſit gloriatus, marmoream ſe relinquere quam lateritiam accepiſſet.* † Suet. D. Oct. Aug. However, he did not neglect to gather Treaſure, of which the Money *Tiberius* left behind him is a manifeſt Proof, for *Tiberius* himſelf, among his other Vices, was not Covetous, *Satis firmus ut ſæpe memoravi adverſum Pecuniam.* 'Tis true, a great Eſtate did now and then tempt him to Cruelty, but this happen'd rarely, and yet at his Death there was treaſur'd up a prodigious Summ, **Vicies ac Septies Millies* HS. which reduc'd to our Money makes 21,093,750 *l.* A wealth even in this Age perhaps not to be equall'd by any of the Eaſtern Kings, all which his Succeſſor *Caligula* ſquander'd away in leſs than a Year, † *non toto vertente anno abſumpſit. Tiberius* was a wary man, and no waſter, but it ſeems very probable that this immenſe ſumm was chiefly gather'd together under the long and peaceful Reign of *Auguſtus*, who had one Quality that never

* Tacit. l. 3. An.

† Suet. Calig.

never fails to make a Prince rich, which was that he look'd after the Publick Accompts; for of the three Books he left depoſited in the Hands of the Veſtal Virgins, one was * *Breviarium totius Imperii, quantum militum ſub ſignis ubique eſſet, quantum Pecuniæ in Ærario & fiſci & vectigaliorum reſiduis. Adjecit & Libertorum Servorumque nomina a quibus ratio exigi poſſet.* From which Place of *Suetonius* two things are obſervable, 1ſt, That this wiſe Prince in the Rules he left behind him for future Government (theſe Books being of that Nature) deſired that there might be a difference made between the *Ærarium* and the *Fiſcus*, reckoning one the Revenue of the Commonwealth, and the other his own private Patrimony, out of which he gave thoſe Legacies that he bequeath'd to *Tiberius*, *Livia*, *Druſus*, *Germanicus*, and to the People of *Rome*. 2dly, That he left a kind of an Intimation that he would have his Succeſſor call ſuch of his Servants and Miniſters to Accompt as had any ways defrauded the Publick. That he made the foremention'd Diſtinction is plain from this, that tho he left the Commonwealth in ſo flouriſhing a Condition, yet in his

* Suet. D. Oct. Aug.

his Will he excus'd the ſmallneſs of his Legacies from the Streightneſs of his Private Fortune; * *Excuſata rei fumiliaris mediocritate*; alledging there would come very little to his Heirs, tho he had in twenty years inherited from his Friends *quaterdecies Millies*, that is, 31,250,000 *l.* and tho he had ſucceeded to two Paternal Patrimonies, all which he had expended in the neceſſary Services of the State. The Diſtinction between the Prince's and the Publick Revenue continued under all the good Reigns, and the better the Prince was, the more carefully he minded that Poverty ſhould not grow upon the Publick, as the only means a good Ruler has to avoid burthening the People with Taxes. This Diſtinction appears from many Paſſages in the *Roman* Hiſtory, we ſhall take notice only of ſome: *Spartianus* ſpeaking of the Emperor *Adrian*, ſays, † *Damnatorum bona in Fiſcum Privatum redigi vetuit, omni ſumma in Ærario Publico recepta.* *Pliny* in his Panegyrick upon *Trajan* ſays, *At fortaſſe non eadem Severitate Fiſcum, qua Ærarium Cohibes? Imo tanto majore, quanto plus tibi licere de tuo quam de publico credis.* *Tacitus* ſays, * *Et bona*

† Ibid.

† Spartian. in Adrianc.

* Tacit. l. 6. An.

na Sejani ablata Ærario ut in Fiſcum cogerentur tum retulere Scipiones. Hæc & Silani & Caſſii iiſdem ferme aut Paulum immutatis verbis adſeveratione multa cen-

* Lib. ib. *ſebant.* And in another place, * *Poſt quos Sex: Marius Hiſpaniarum ditiſſimus defertur inceſtaſſe Filiam & Saxo Tarpeio dijicitur, ac ne dubium haberetur Magnitudinem pecuniæ malo vertiſſe aurariaſque ejus, quanquam publicarentur, ſibimet Tiberius ſepoſuit.* *Nero*, among other things promis'd the Senate, † *Nihil in Penatibus ſuis venale, diſcretam domum & Rempublicam, Teneret antiqua Munia Senatus*; That nothing ſhould be Venal in his Pallace; That his own, and the Revenue of the Commonwealth ſhould not be confounded together, and that the Senate ſhould injoy its antient Priviledges. This Speech he made at the beginning of his Reign, when he was guided by the Counſels of *Seneca*, who, as *Tacitus* takes notice, penn'd the Oration. And no doubt there could not have been laid down to a young Prince a better Platform for his future Government; And there is Reaſon to think that the Philoſopher, who had well enough Sounded the Inclinations of his Pupil, had then a mind to ſuggeſt

† Tacit. An. 13.

geſt to him, that his Paternal Fortune, with the Infinite Wealth which was to deſcend to him from his Mother *Agrippina*, would be ſufficient to ſupply thoſe Pleaſures to which he ſaw his Youth addicted, and that it would be for the ſafety of his Empire to ſet aſide the Publick Revenue for the Uſes of the Publick: While he kept to theſe Rules, his Reign, tho not quite Innocent, however was not ſo Monſtrous, but when his Flatterers had made him believe that the whole world was *Cæſar*'s Patrimony, then he ran headlong into all ſorts of Cruelty and Riot; For he thought all things were permitted to him, who was Lord of all, and that no Prodigality of his could exhauſt ſuch a Revenue as the Dominion over the whole Earth muſt yield: Theſe Imaginations made him enter into Prodigious Expences in Banquets, Buildings, and upon his Minions; So that he waſted in a ſhort time what had been hoarded up by his Predeceſſor *Claudius*, the infinite Riches he had from his Mothers Succeſſion, and what came to him from the Confiſcation of *Seneca*'s Wealth, which amounted

Tacit. 13. An. mounted to 2,343,750 * *Ter Millies* HS. And when his Gifts were look'd into by *Galba*, it was found that he had this way conſum'd what anſwers in our Money to 17,187,500 *l.*

* Tacit. l. 2 Hiſt. * *Bis & vicies Millies* HS. *Donationibus Nero effuderat.*

Tho the Servile part of Mankind are apt to extol profuſe Princes, yet whoever conſiders the Story of the *Roman* Emperors will find, that their Vices took riſe principally from this profuſe temper, and by contemplating their Lives he will ſee, that Prodigality drove 'em into Want, Want into Rapine and Extortion; when they had oppreſs'd the People they became Odious, when they were Hated they grew Fearful and Suſpicious, Fear and Suſpicion made 'em immediately dip their hands in Blood, and this ever was, and ever will be the Natural Progreſs of Tyranny, as particularly appears by the Actions of *Caius Caligula*, *Nero*, *Vitellius*, *Domitian*, *Commodus*, *Julianus*, *Antoninus Caracalla*, *Heliogabalus*, and thoſe other Monſters under whom the World groan'd for many Years, and who by their Profuſion were firſt led into Rapine and Murther.

And

And as a further Inſtance how fatal the Prodigality of Princes is to their Nations, The *Roman* Empire was ſo diſtreſs'd by the Riots and Expences of *Nero*, *Otho*, *Vitellius*, (who altogether) (including *Galba*'s time) reign'd but fifteen years and eight Months, according to *Dion Caſſius*) that when *Veſpaſian* took the Government in hand; he declared the Commonwealth could not ſubſiſt, unleſs Ways and Means were found out of raiſing what anſwers to 312,500,000 *l.* of our Money, † *Profeſſus Quadringenties Millies opus eſſe ut Reſp. ſtare poſſit.* Into ſuch an immenſe Debt was the Empire brought by *Tigellinus*, *Nymphidius*, *Patrobius*, *Polycletus*, *Vatinius*, *Elius*, *Titus Vinius*, *Cornelius Laco*, *Icelus*, *Cæcina*, *Fabius Valens*, *Aſiaticus*, *Marcellus Eprius*, and the other Rapacious Miniſters of State, who under thoſe diſſolute and negligent Reigns, devour'd the Commonwealth; Inſomuch that *Veſpaſian*, a moſt excellent Prince, who came to reſcue his Country out of theſe deſtructive hands; when he went about to diſengage the Publick, and to put the Empire into a poſture of Defence, was

† Suet. T. Fl. Veſp.

was forc'd, against his Inclination, and the Goodness of his Nature, to op-
† Ibid. press the People with Taxes; * *Ad Mannbias & Rapinas necessitate Compulsus, summa Ærarii Fiscique inopia*; by which it appears how much it imports the Ruler of a Nation, with careful Eyes, to look after his Treasure, since the want of it may compell him to Actions, for which, at the time, and in after Ages, his Virtue will be censur'd: For tho this Wise Emperour had nothing in his thoughts but the good of humane kind, and tho this Character be given of him, That
† Ibid. *male* * *Partis optime usus est*; *In omne humanum Genus liberalissimus, explevit Censum Senatorium, Consulares inopes sustentavit, plurimas per totum orbem civitates terræ motu, aut incendio afflictas restituit in melius. Ingenia & Artes vel maxime fovit.* And tho these and many other Noble things are said of him, yet he is reproach'd with his ways of raising Money, for not only he set up again several Impositions abolish'd by *Galba*, but he added new and more heavy burthens, he augmented the Tributes of the Provinces, and in some Places doubled 'em, He himself

ſelf exercis'd divers ſordid Monopolies; He made an open Traffick of Honors, Employments, and Pardons; He put into Offices of Truſt the greateſt Harpies he could find, that himſelf might afterwards have the ſqueezing of 'em for their Oppreſſions; All which doings are ſo many Blots upon his Fame. If then the wants of the State could force the beſt of Men upon the worſt of Actions, how carefully ſhould Princes avoid being reduc'd to ſuch Neceſſities.

How far *Veſpaſian* proceeded in diſengaging the Publick from the Debt of 312,500,000 *l.* Hiſtory is Silent, but we may preſume he and his Son *Titus* (who between 'em govern'd upwards of twelve Years) went a good way towards putting things in order, however all was again unravell'd by the younger Son *Domitian.* But the Golden bunch of Fleſh which *Domitian* dreamt grew out behind his Neck, that is, the Succeeding Emperors, *Nerva*, *Trajan*, *Adrian*, and *Antoninus Pius*, whoſe Rule took up about Sixty four Years, gave the Affairs of the Commonwealth a better Complexion: They had been ſo careful of the Publick

Revenue, that when *Marcus Aurelius Antoninus* came to the Empire, he found in the Treaſury what anſwers in our Money to * 21,093,750 *l.* This *Marcus Antoninus*, tho in his Nature very bountiful, having given to the People a larger Donative than they had ever ſeen before, was yet ſo frugal of the Publick Money, that when he was going upon an Expedition againſt the *Seythians*, he would not draw any Summ from the Treaſury without firſt having permiſſion from the Senate, affirming † *That ſuch Money and every thing elſe belong'd to the People of* Rome; and ſaying before the Fathers *He had nothing in particular, no not ſo much as the Houſe he liv'd in*: This Prince and Philoſopher another time before, being preſs'd by his Army for a Donative after a Signal Victory, refus'd it, with this memorable Saying, *The more I give theſe young Soldiers, the more I muſt oppreſs their Parents.* What had been collected in five wiſe and frugal Reigns, was diſſolutely waſted by *Commodus* in twelve Years and Nine Months, Inſomuch that when *Pertinax* came to the Empire he found in the Treaſury (as he declar'd before the Senate) but what anſwers in our Money

* Xiphil. ex Dione Partin.

† Xiphil. ex Dion. M. Anto.

to * 7812 *l.* 10 *s.* Whereby 'tis ſeen that the Prudence of a whole Age may be defeated in a ſhort ſpace of time, if the Prince be either bad in his own Inclinations, or if he let himſelf be miſ-led by ill Stateſmen. But whoever conſiders the Lives of ſuch as have rul'd tyrannically, and oppreſs'd the People, will find that but few of 'em were wicked through an innate temper of their Minds, for the Beginnings of the worſt Reigns were generally blameleſs, which is a proof that the Dictates of Nature were right enough. How comes it then to paſs that ſo many have govern'd ill, and why have moſt of 'em rather inclin'd to bad than Good? * *Gnari Meliorum & quæ Fama Clementiam ſequeretur, triſtiora Malle.* The reaſon is obvious enough, They were corrupted by thoſe about 'em; for tho their Perſons are made Sacred, and defended by innumerable Laws, tho they are ſet ſo much above the reſt of Mankind in Titles and Priviledges, tho their ſmaller Faults are either forgiven or approv'd of, tho they have ample Proviſion made for their State, Pomp, and Safety, and tho all manner of ways they are ſufficiently recompenc'd for the

* Xiphil. ex Dione. Pertin.

† Tacit. l. 4. An.

Troubles and Toils they ſuffer in their Great Office, yet few of 'em will perform it by themſelves, but fatally chooſe rather to commit it to others: Not many of 'em are like *Severus*, who, as he drew his laſt breath, call'd out, * *Is there any Publick Buſineſs to do? Give it me, that I may diſpatch it before I go.* They rather chooſe what they call a Partner of their Cares; Minions, Favourites, and Miniſters, moſt commonly firſt known to 'em in their Pleaſures, and afterwards call'd in to their chief Buſineſs: To theſe they leave the whole Affairs of the State, rarely looking into any thing with their own Eyes; And few being able to defend themſelves againſt thoſe they love and truſt, theſe falſe Friends lead their Maſter which way they pleaſe, but moſt commonly into the worſt, as beſt ſuiting with their private Intereſt. If the Prince be young, they corrupt him with Luxury and Riot; If Old, they try to make him Suſpicious, Cruel, and ſuggeſt to him deſigns againſt the Liberties of his Country, not ſo much to augment his Power, as to increaſe their own; They endeavour to ſhut him up as much

* Xiphil. ex Dion. Sever.

much as they can from the ſight of his People; not conſidering how dangerous Solitude is to Princes, as in the inſtance of *Tiberius*, * *Qui ſolus & nullis voluptatibus avocatus mæſtam vigilantiam & malas curas exercuit.* But be the Prince Good or Bad, Young or Old, they promote and encourage in him negligence in all publick Concerns, but chiefly ſuch as relate to his Income and Expences, that with leſs Obſervation, and more Impunity, they may prey upon him: For tho Care of Accompts, and in Revenues, does not require a Sublime Underſtanding, and ſuits beſt with the middle Capacities, yet few Princes have minded a Matter ſo important to themſelves, and ſo much for other Peoples eaſe, no doubt diverted from it by ſuch as have had the Management of their Affairs. All the Riots, Expences, as well as the Cruelties of ſuch of the foremention'd Reigns as prov'd bad, were principally promoted by the Miniſters thoſe Princes had about them; And even the Fell Diſpoſition of this *Commodus*, of whom we ſpoke laſt, was urg'd on to greater Exceſs and Rage by *Cleander*, who taken from the

† Tacit. l. 3. Ann.

Xiphilinus Ex. Dion. Commod.

Lees of the People, was mounted up to the higheſt Honours, and for a time had the diſpoſal of all Dignities and Offices, till at laſt he was ſlain in a popular Tumult.

But to follow this matter of the Revenue of the *Roman* State as far as we can trace it in their Hiſtories: *Helvius Pertinax* who ſucceeded *Commodus* did not Rule quite three Months, He endeavour'd to prevent the Rapine of the Freed Men aud Officers of the Court, and to hinder the Robberies and Violence of the *Prætorian* Bands, but he was kill'd in the attempt, the Court and Camp being then both ſo deprav'd that they could not bear a grave and frugal Reign, which ſhould be a warning to all Governments, that have any Freedom left, not to let Corruptions of this Nature grow till they are too big to be corrected. *Julianus* came next, having bought the Empire, He endeavour'd by exceſs of Liberality to gain that Affection which was not due to any Virtue he had, but Princes who endeavour this way to become Popular gain a few at the coſt of many, and ſo are hated by the

Herod. l. 2.

Major

Major part: He conſum'd as much as one could do who govern'd but two Months. *Severus* was next elected, whoſe Reign of near eighteen years was moſtly taken up in Civil Wars, firſt with *Niger*, and then with *Albinus* for the Soveraignty, and in Foreign Expeditions into *Parthia*, *Arabia*, *Paleſtine*, *Egypt*, and laſtly into *Brittain*: And tho this was a Reign of War, and tho *Severus* was expenſive in Publick Buildings, and magnificent to his Soldiers, having at one time made a Donative to them of what anſwers to 1562,500 *l.* of our Money, yet he left to his Succeſſor an immenſe Treaſure, which we muſt attribute to the indefatigable Application he ſhow'd in the univerſal Buſineſs of the State. And though he may be reckon'd among the Cruel Emperors, yet 'tis obſerv'd of him that he never hunted after Confiſcations, from whence we may infer he grew rich by meer Oeconomy, his Story being an Inſtance that neither Liberality, War, nor any other Expence, will hurt a Prince who minds his own Affairs.

[a] Xiphil. ex Dion. Sever.

His Son *Antoninus Caracalla* ſucceeded, who laviſh'd among the Soldiers what his Father had ſo carefully laid up, having for above ſix Years together robb'd the whole World to enrich them, plundering, confiſcating, and murthering the beſt Men of the Empire, to feed the licentious Appetites of his Men of War, and yet he was kill'd in *Meſopotamia*, in the midſt of that Camp he had ſo much courted and favour'd; from whence may be obſerv'd, that the Love of Subjects is not to be bought with Money, but to be obtain'd by wiſe Government, and that all ſorts of People, even Soldiers, reverence a Prince more who by good Conduct keeps ſomething in his Power to give, than they do him who gives all away; Expectation and Hope often carrying Men much further than the Senſe of paſt or preſent Benefits.

† Xiphilinus Ex. Dio. Caracal.

Among the reſt of *Caracalla*'s Monſtrous Actions, one was to * utter falſe Money, iſſuing out Lead Silver'd over, and Copper gilt, as legal Coins. And perhaps it will not be foreign to our preſent Subject in this place to make ſome ſhort Obſervations

ſervations upon the *Roman* Coin; and the firſt that occurs is, That the Coin was beſt and moſt weighty in the time of the Commonwealth, and afterwards beſt and moſt weighty under the beſt Princes, as under ſuch the Revenue of the State was moſt carefully look'd after. *Marc. Anthony* the Triumvir began firſt to debaſe the *Roman* Coin, his Example was afterwards follow'd by the *Cæſars.* † *Miſcuit denario Triumvir Antonius ferrum, alii a pondere ſubtrahunt cum ſit juſtum octoginta quatuor e libris ſignari.* Silver was firſt Coin d in *Rome* 585 *ab V C. Q. Fabius* being Conſul, 5 years before the firſt *Punick* War; They did not Coin any Gold till 62 Years after. The *Denarius* was the Silver Species moſt in uſe among them, under the Conſuls they Coin'd 84 *Denarij* out of the *Roman* pound of Silver, that is, Seven from the Ounce, but in the Reign of the Twelve *Cæſars* they coyn'd from the Pound 86, 88, and in proceſs of time they came to make 96 from the Pound, that is 8 from an Ounce. As to their Gold Coins the *Aureus* was double the weight of the *Denarius*; and,

† Plin. l. 33. c. 9.

Plin. l. 3. c. 33.

and, for a good while, when they diminish'd the Silver Coin, they diminish'd the Gold Coin in Proportion, so that whereas under the Consuls they Coin'd from the *Roman* Pound of Gold 42 *Aurei Nummi*, under the Emperors they came to Coin from the pound 48. From *Augustus* to *Vespasian* the Silver Coin from time to time lessen'd in weight. From *Vespasian* to *Alex. Severus* it stood at a stay, in respect of weight. Under *Severus* and *Gordianus* it recovered its ancient weight, and so continued till *Justinian*, with little difference in the weight, but frequent Change and Abasement by Alloy. But after *Justinian*, when the barbarous Nations made Eruption upon the Empire, they brought universal Confusions upon the Coins, as they did upon all other things that related to good Politie. The Gold Coin did likewise suffer its change and diminution; For * *Greaves*, who in his Travels had weigh'd many of the *Aurei* collected in curious Cabinets abroad, and not impair'd by time, found 'em from the first to the last of the Twelve *Cæsars*, to weigh from 123 to 112 Grains *English*, and from *Nerva* to *Heraclius*, from 111 to 69 Gr.

Snellius in Eroteft. Batavo.

* Greaves *of the* Roman *Foot and* Denarius.

Gr. *Engliſh.* This in general may be obſerv'd, that with the Empire the *Roman* Coins declin'd, neceſſity driving the Prince, as the Species grew ſcarce, to put a higher value upon it. When we reflect upon the vaſt Summs mentioned in their Hiſtories, we muſt be driven to own, that about the time of *Tiberius* Money was as plentiful in *Italy* as it is as this day in any part of *Europe*, and that it bore the ſame proportion with other Commodities as it does at preſent; And that a Summ of their Money anſwering to ours would maintain a Man in the ſame Port as the ſame Summ does now; As for Example, *Nero* allow'd *Valerius Meſſalla*, of a moſt noble Family, great Grandſon to *Corvinus* the Orator, by annual Penſion *Quingena Seſtertia*, which in our Money anſwers to 3606*l.* *Quibus Meſſalla paupertatem innoxiam ſuſtentaret.* *Veſpaſian* maintain'd ſuch Senators as were of Conſular Dignity, and had fallen to decay, with the like Annual Penſion, * *Conſulares in opes Quingenis Seſtertiis annuis Suſtentavit*, which ſhows that what was then about 3906 *l.* would ſupport a Man of the beſt Quality in an honourable way of

Tacit. 13. Ann.

* Suet. T. Fl. Veſp.

of living, and not leſs, for *Veſpaſian*, who look'd to what he did, would not have given ſo much, if leſs would have ſuffic'd. That the Species abounded then in *Italy* as much as it does now in any Country, appears by many other Inſtances too tedious to be here inſerted. But this will not ſeem ſtrange to ſuch as conſider, that the Wealth of all the known Parts of the World had for ſeveral Ages been drawing thither to center in one City, And there it might have continu'd, and in the near adjacent Provinces, and this Wealth might, for ought we know, have preſerv'd the State to this day, if, as in the times of the Commonwealth, or, as was done under wiſe Reigns, they had preſerv'd a ſufficient Proportion of it treaſur'd up for the uſes of the Publick. But when the Emperors, and when, after their Example, the People fell into an Exceſs of Luxury, to feed that Luxury, Foreign Countries, in the way of Trade, ſoon got back that Gold and Silver which the *Romans* had before taken from them by Force of Arms; And when the Publick was ſo exhauſted, and when Private

Private Men were ſo impoveriſhed as not to be in a condition to help the Publick, the Empire was left naked and defenceleſs: For a great Dominion is to be ſecur'd but two Ways, either by Virtue, or Force; by Virtue ſuch as the *Romans* and *Athenians* ſhew'd in the beginning of their Commonwealth; By Force, ſuch as the *Perſian* Kings, and the *Roman* Emperors were Maſters of, which conſiſted in Immenſe Treaſures laid up, large Tributes ariſing from the People, great Fleets and Armies; But when Countries are effeminated by Luxury, and impoveriſh'd by Riot and ill Conduct, that is, when they have neither Virtue nor Strength remaining, they preſently become a Prey to the Warlike Nations that will invade them.

We have made this ſhort Digreſſion, and given Inſtances of ſeveral Changes in the *Roman* Money, To ſhew how much the Coin of a Country is its true Pulſe; and That if it beats irregularly, 'tis a Symptom that the Body Politick labours under ſome dangerous diſtemper; That if the Prince be compell'd to diminiſh its weight,

weight, tis a Token that the Species begins to be drawn out of his Dominions; That if he be forc'd to ſubſtitute ſomething elſe in the room of Gold and Silver, as *Caracalla* did Lead, and Copper, 'tis a mark that a great Part of it is gone; That if the Species comes to be drain'd away, or univerſally corrupted, as it was toward the latter end of the *Roman* Empire, 'tis a Demonſtration that the ruin of the State is coming on apace. But to reſume our Diſcourſe.

After *Caracalla*, *Macrinus* was choſen, who tho obſcurely born, and riſing to Greatneſs by leiſurely Steps, yet could not avoid plunging himſelf into the Voluptuous courſes of his Predeceſſor: Warring with the *Parthians* he was defeated in two Battles by *Artabanus*, and forc'd to purchaſe a Peace at the Expence of what anſwers to 1562500 *l.* of our Money, a thing very ſtrange to the *Romans* who were wont to ſell, and not to buy Peace; but this Gap being open'd, their wealth afterwards more than once flew out the ſame way. After this ignominious

† Xiphil. ex Dion. Macrin.

nious Treaty, *Macrinus* was ſoon overthrown by an Army led by a Woman, *Mæſa* Siſter to *Julia* the Wife of *Severus*, who placed upon the Imperial Seat *Antoninus Heliogabalus* her Grandſon. This Monſter exceeded all that ever went before him in Rapine, Cruelty, and Riot. He was Slain for his deteſtable Vices; His Mother *Mammæa* had perſwaded him to adopt his Couſin German *Alexander Severus* who ſucceeded, * He govern'd well and wiſely; In this Reign, which laſted thirteen Years, endeavours were made to reduce things to ſome Order, But the times could not bear a good Prince: He was ſlain by his Soldiers in *Gaul*.

* Lampridius in Alex.

After his Reign there were many Revolutions in the Empire, and much confuſion, till *Conſtantine* took the Government upon him. *Alexander Severus* was kill'd in the 988th year *ab U. C.* and *Conſtantine* began to rule alone *Anno ab U. C.* 1087. And whereas two good Princes *Edw* 3d, and Q. *Eliz.* rul'd in this Kingdom above 94 years, *Rome* between the time of *Alex. Severus* and *Conſtantine*, which was but 89 Years, ſaw Nineteen

Nineteen Reigns, and more than twenty Emperors, many during that ſpace having uſurped the Title; not to reckon the Thirty Tyrants who ſet up themſelves in ſeveral Provinces in the Reign of *Gallienus*, to ſuch Miſeries and Changes are Corrupted Countries obnoxious.

During this time many things happened, which tended to the Impoveriſhment and weakning of the Empire, under *Trajanus Decius* the *Goths* began to invade it, and ſoon after the *Scythians*: *Vibius Gallus*, who ſucceeded *Decius* bought a ſhameful Peace of the *Goths* with Money. Under *Gallienus* the *Germans* got into *Italy* as far as *Ravenna*; *Macedonia*, *Pontus*, and *Aſia*, were invaded by innumerable Troops of the *Goths* and *Scythians*, *Dacia* beyond the *Danube* threw off all Subjection; the *Quadi* and *Sarmats* poſſeſs'd themſelves of *Pannonia*, and the *Parthians* having ſeiz'd upon *Meſopotamia* made Inroads into *Syria*.

Zoſimus l. 1.

Eutropius l. 9.

But

But to ſave the Empire from utter Ruin, during this time there were ſome good Reigns; *Valerius Aurelianus*, a Warlike Prince did almoſt Reſtore it to its Ancient Limits. *Probus*, who was Choſen againſt his will, went a great way towards Repelling the *Barbarians*, and under him the *Roman* Affairs flouriſh'd; but afterwards by bad Reigns Things were again brought into Confuſion: However all along, while either the Prince, or the Miniſters were good, ſome Care was taken of the Publick. 'Tis true, where there were ſo many Changes, and ſo frequent Civil Wars, 'tis not probable any Money cou'd be laid up; but other Proviſions were made whereby the People might be Reliev'd in Peace, and Defended in time of War. *Severus* had Magazines of Corn. * *Severus Rei Frumentariæ quam minimam repererat, ita conſuluit ut excedens ipſe vita 7 annorum Canonem Populo Romano relinqueret.* *Spartianus in Sever.* *Meſitheus*, who was Chief Miniſter, and Father-in-law to the Emperor *Gordian*, is the true Pattern of a Wiſe Stateſman careful for the Publick. † *Cujus viri tanta in Republica diſpoſitio fuit ut nulla eſſet unquam Civitas Limitanea potior quæ non poſſet Exercitum Populi Romani ac Principem ferre; quæ totius anni in Aceto Fru-* † *Capitol. in Gord.*

mento & Larido atque Hordeo & Paleis condita non haberet; Majores vero Urbes aliæ 30 *dierum, aliæ* 40, *nonnullæ* 2 *menſium, quæ minimum* 15 *dierum.* So that when the Luxuries and Riots of preceeding Times, had partly drein'd the Empire of its Gold and Silver, they made Stores of another Kind; Tho' indeed from the beginning there was little drawn but Proviſions from ſeveral Provinces; for *Trajan* had Order'd, That the *Leptitani* in *Mauritania*, ſhould furniſh Oyl: That Part of *Galia* and the *Spaniards*, chiefly thoſe of *Bætica*, ſhould Provide Horſes, beſides Materials for Cloathing, Oyl, and Bacon: In *Italy* the *Lucani*, were to find Hogs, and the *Brutii* Oxen: Moreover, from the time they were Subdu'd, *Sicily*, and *Ægypt*, were to provide a certain proportion of Corn, which varied according to the Neceſſities of the Publick. Thus from many Countries, they drew the Tributes in Kind, which were partly made uſe of for the Peoples Relief, or ſtor'd up in good Times, and in bad Times diſſipated, no benefit thereby ariſing to the Common-Wealth.

Conſtantine proceeded a great way towards remedying the Diſorders which had crept into the Empire, under the looſe

Reigns

Reigns that preceeded his. He corrected Rapine and Oppreſſion in the Miniſterial Parts of the Government, by a ſolemn *Edict, inviting all ſorts of People to Accuſe ſuch of his Miniſters and Officers as had been corrupt: He reſtrain'd Uſury by ſevere Laws, which is one certain way of Enriching both the publick and private Men; for where immoderate Uſury has been ſuffer'd, Poverty was always National and Univerſal: He likewiſe, Regulated the *Roman* Mint.

* Vid. L. 4. de Accuſtat. C. *Theod.* Lib. 9. Tit. 1.

But the Wiſdom of Two or Three Reigns avails little to preſerve an Empire, the Foundation of whoſe Ruin is already laid; their Ancient Vertue was long ſince gone, Power and Wealth remain'd for ſome time after, Martial Diſcipline, from whence their Greatneſs took its Riſe, was ſlacken'd under Effeminate Princes, and at laſt quite corrupted by Civil Wars: However, upon ſo ſtrong a Baſis was this Common-wealth Built, that neither the Madneſs of the Emperors, nor the Vices of the People, could probably have Deſtroy'd it ſo ſoon, but for other Accidents which help'd on its Ruin.

Tho' *M. Antoninus Philoſophus* had Aſſociated into the Empire *Lucius Verus*, and tho' *Severus* had done the ſame with his

Son *Antoninus Caracalla*, yet there was no Actual Diviſion made, and the Body of the State remain'd one, tho' with Two Heads. But between *Probus* and *Florianus*, the Territories were in a manner parted. Afterwards *Diocleſian* Rul'd alone, who Aſſociated into the Empire *Maximianus Herculeus*, they two Govern'd jointly; but when they Depos'd themſelves, the Empire was again divided between *Maximianus Galerius* and *Conſtantius Chlorus*, who Rul'd each their ſeparate Provinces; but at laſt, all fell into *Conſtantin* the Son of *Chlorus*; but it was again divided among the Sons of *Conſtantin*. But *Conſtantius* the Second Son ſurviving his Brothers, Reunited again all into himſelf, and it continu'd one Empire till *Valentinian*, who divided it again between himſelf and his Brother *Valens*. But the Sons of *Valentinian* dying Childleſs, the Empire came again intire to *Theodoſius*; who again divided it between his Two Sons, *Arcadius* and *Honorius*; and ſo it ſtood divided till the *Weſtern* Empire was quite Subverted.

Eutrop. L. 9.

This Diviſion of its Territory, places of Strength, Tributes, Revenues and Legions, was moſt fatal to that Common-wealth which had been founded with ſo much Wiſdom,

Wiſdom, and for many Ages, defended with ſuch Courage, and which the *Gauls*, *Carthaginians*, and the *Cimbrians*, had in vain attempted. But its Ruin was not preſently compaſs'd; and ſo ſtrongly was this Frame built, that to pull it a pieces was the work of above One hundred and fifty Years. The Empire being weaken'd and divided encourag'd *Alarich* to invade *Italy*; who at firſt was bravely Vanquiſh'd in two Battles, and repuls'd by *Stilico*; but afterwards the Senate was forc'd to purchaſe the Retreat of *Alarich* at the Expence of Four thouſand pound weight of Gold; who not long after broke the Peace, beſieg'd *Rome*, took and Sac'kd it, *An. ab V. C.* 1163. And about this time the *Hunns* invaded *Pannonia*; The *Vandals*, *Alans* and *Swevi*, and the *Goths* who had formerly invaded *Gaul*, did then with the *Burgundians* fix themſelves there. Not long after *Africk* was miſerably harraſs'd by the *Vandals*, and *Carthage* was taken by *Genſerich*; and in a little time *Attila* with his *Hunns* made an Attempt upon the Empire, whoſe firſt Irruption was ſtopt with Six thouſand Pound weight in Gold; but in a few Years he again invaded the Weſtern Provinces. *Gaul* felt his Rage; then he came and laid all *Italy* waſt, deſtroying many Populous

Cities, ſo that of them there remains nothing now but their Names. After this, *Genſerich* King of the *Vandals* landed in *Italy*, Plunder'd *Rome* the Second time, carrying away all which even the Rage of *Alarich* had left: In this Century *Theodorick* King of the *Goths* fix'd himſelf and his People in *Spain*, and the *Franks* obtain'd a firm Footing in *Gaul* after a long Conteſt with the Natives, and the *Romans*: At laſt *Rome* was for the Third time taken and Sac'kd by *Barbarians*, conducted by *Odoacer* Prince of the *Heruli*; who was Proclaim'd King of *Italy*. And thus an End was put to the *Roman* Dominion, after it had continu'd under Kings, in a Common-Wealth, and under Emperors; about 1228 Years, reckoning from the firſt Foundation of the City.

And now to recapitulate the Reaſons of this Great Peoples Ruin. Firſt their Luxuries extinguiſh'd antient Honour, and in its room introduc'd irregular Ambition: Ambition brought on Civil Wars; Civil War made Single Perſons too conſiderable to remain afterwards in a private Condition; ſo that the Foundation of their Deſtruction was laid in the Century wherein *Cæſar* invaded their Liberties; However they might have continued a Powerful

and

and Flouriſhing Nation for many Ages, if the ſucceeding Princes had imitated either *Cæſar* or *Auguſtus*: But many of thoſe that follow'd aſſum'd to themſelves, unlimited Athority, and when bad Emperors came, they pulled down what had been building up by the Wiſdom of all their Predeceſſors: They ſeiz'd upon that Treaſure which the Frugality of preceeding Times had ſet aſide for urgent Occaſions, They accounted the Publick Revenues to be their own particular Property, and to be diſpos'd of at their Pleaſure, ſuch as were Laviſh ſquandred away among their Minions and Favourites, that which was to maintain the Dignity of the State. When their Profuſion had reduc'd them to Neceſſities, they fell to laying exorbitant Taxes, and to Pillage the Remote Provinces; when thoſe Provinces were harraſs'd and exhauſted by continual Payments, they became weak and unable to reſiſt Foreign Invaſions: In thoſe naked and defenceleſs Provinces, the *Barbarians* neſted themſelves, and, when they were grown Strong and Powerful, from thence they made Irruptions into *Italy*, till at laſt they came to Invade and Conquer *Rome* it ſelf, the very Head and Seat of the Empire.

From this brief Account of the *Roman* Affairs perhaps it will appear, That to let Miniſters Waſt the Publick Revenues, or to ſuffer any Negligence and Profuſion of the like Nature, is of dangerous Conſequence both to the Prince and People.

SECT.

SECT. III.

Of Reſumptions.

THE Southweſtern Parts of the *Roman* Empire were invaded and poſſeſs'd by that Torrent of People which antiently iſſu'd out of *Scanzia*, a very large Tract of Land, bounded on the North and Eaſt by the Sea, and on the Weſt and South by the *Botnick* Bay, and *Baltick* Sea, as likewiſe by Rivers which empty themſelves into the *Botnick* Bay and the *Ruſſian*, or White Sea. Theſe Nations when they firſt left their Native Soil, for a great while had no certain Seats, but travers'd from one Region to another, till at laſt they came to fix themſelves in thoſe Provinces they had intirely Conquer'd. Of theſe the *Viſigoths* and *Oſtrogoths* were the moſt conſiderable. The *Oſtrogoths* to whom all *Pannonia* had been aſſign'd by the *Romans*, extended their Territory far and wide, till they ſeiz'd *Italy* it ſelf, under *Theodorick*. The *Viſigoths* ſeiz'd on Part of *Gaul*, Planting themſelves in *Aquitaine*, and having cantoniz'd in other parts of the Country, there they continu'd for ſome time.

Grotius Prolegom. in Hiſt. Goth. Vand. &c.

time. They likewiſe form'd a Dominion in *Spain*, which laſted above Three hundred Years; reckoning from *Athlauſus* the Son of *Alarick* (who by conſent of the *Roman* Emperor *Honorius*, was ſettled in the Borders between *Gaul* and *Spain*) to *Roderick*, who was totally ſubdued by *Tariff* the General of *Ulit Miramamolin* the Moor. Part of theſe *Viſigoths* fix'd themſelves likewiſe in this Kingdom of *Britain*; for from the Antient *Scanzian* were deriv'd the * *Jutes*, *Gutes*, or *Getes* who neſted in part of *Germany*, and were afterwards call'd *Saxons*, and who from *Germany* came and took Poſſeſſion of this Iſland.

* Vid. *Sheringham Diſcept. de Orig. Gentis Angl.*

Of the ſame *Scanzian*, or *Gothick* Race were likewiſe the *Danes*, who about Two hundred Years before the *Norman* Conqueſt, invaded *England*, planting Colonies and gaining ſuch Footing here from time to time, that at laſt they wholly Maſter'd both the *Saxons* and the Natives.

From this Soil likewiſe, barren of Proviſions, but fertile in producing Men did ſpring the *Normans*, who under the Conduct of *Roul* left their own Soil, firſt touching upon our Coaſt, and finding no Reception here, they were content upon Terms, to depart, and carry the

Terror

Terror of their Arms elſewhere, which they did into *France*, where by their Valour they obtain'd that Tract of Land, which from them was call'd *Normandy*, from whence in One hundred and Twenty Years they came, and in one Battle Conquer'd *England*.

Thus by theſe Swarms from the North, of Men ſeeking new Seats, the beſt part of *Europe* came into the Poſſeſſion of a rough Warlike People, whom the Luxuries of *Aſia*, *Greece* and *Rome*, had neither corrupted nor refin'd; And theſe new Inhabitants chang'd every thing, introducing in all Places new Cuſtoms, other Manners, Languages, different ways of making War, new Laws, and new Forms of Government.

And theſe ſeveral Branches, ſpringing from the ſame Stemm, it muſt follow, that the Fruit they bore would be near of a Taſt; by which we mean that in their Manners, Laws, and principally in their Politick Government, they muſt of conſequence, as indeed they did, very much reſemble one another.

And whoever looks into the Antient Conſtitutions of *England*, *France*, *Spain*, *Denmark* and *Sweeden*, will find, that all theſe Nations, had one and the

ſame

ſame Form of Government; and tho' they might vary in ſome Circumſtances, yet they all agreed in certain Fundamentals, which were, That the People ſhould have their Rights and Priviledges; That the Nobles, or Men of chief Rank, ſhould have ſome Participation of Power, and That the Regal Authority ſhould be limited by Laws.

'Tis true the *German* Emperors have ſome ſhadow of, and pretend Succeſſion to the *Roman* Empire; but whoever contemplates their Laws, Conſtitution, and Form of Government, will find all ſtrongly impregnated with the *Gothick* Tincture.

However, he who conſiders the Migrations of theſe Men, will perceive, that the Governments which they eſtabliſh'd, were the neceſſary and unavoidable Conſequence of their Expeditions, and that People ſeeking new Seats could not properly put themſelves under any other Form.

For ſo vaſt a Deſign as that of leaving one's own, and invading a remote Country, muſt fall into ſome Bold and Great Mind, that could firſt conceive, and then be able to go through with ſuch an Undertaking; and he who was thus qualified with Courage and Conduct, eaſily obtain'd Supream Authority over all the reſt;

reſt; from whence came, That theſe People choſe to be govern'd by Kings. But the firſt Expence of this Expedition being very great, and he who projected it not being able to bear it all himſelf, he Aſſociated to him certain of his Principal Countrymen, who had likewiſe Followers and Dependants of their own; Theſe in Conſideration of what they contributed towards the Common Deſign, were not only to ſhare, in the Conquer'd Lands, but in theſe Lands to enjoy certain Powers and Priviledges, and to have Names of Honour, by which they were to be diſtinguiſh'd and ſet above the reſt: From whence came, That theſe Northern Nations had among 'em the Titles of *Peers*, *Pallatins*, *Barons*, *Earls*, *Grantz*, *Graffs*, *Notables*, *Grandees*, and *Dukes*. And the Perſons of prime Rank under theſe or the like Appellations, were a diſtinct Part or Member of the Body Politick, and were to protect thoſe who had come under their Banners, and follow'd their Fortune, and were veſted by the Conſtitution with eminent Power, that they might be a Skreen between the Prince and People. But the Labour and Dangers of theſe Expeditions were to lie upon the Common People, by whoſe hands the Battles were to be fought;

fought; and no doubt they had not been tempted abroad if they could not have promised themselves a better Condition than what they had at home, and if they were to be only Beasts of Burthen to the Great Ones: For which Reason, by Compact with those whom they follow'd, they were likewise to have a certain Share in the future Conquest; from whence came, That in the Settlements made by these *Northern* Nations, respect was had to the Interest of the People: There was reserv'd to 'em their distinct Rights and Privliedges, and Part of the Conquer'd Lands were Assign'd to them, in which, the better Sort had Freeholds, and those of inferior Degree, held of their Captains, Lords, and Leaders.

Their Military Constitution, gave likewise Form to their Civil Government: Their King as he was Head of the Army in the moving Camp abroad, so, when they came to settle, he was Head of the Common-wealth: And as the Principal Officers and Chief Captains had been his Council of War, so when they had Peace and Rest, they could not be easily perswaded to quit that Share in the Administration of Affairs, of which they had tasted in the Field; and their Titles and

Lands

Lands being to deſcend, they became, by Virtue of their Tenures, his hereditary and ſtanding Council; and as in the Field they had wont to adviſe him in difficult Matters, for the common Good of the whole, and to lay before him the Neceſſities and Grievances of their Followers and Dependants, ſo at home it grew their Right to do the ſame. But when theſe Nations came to fix and mingle with the Natives, and when they had made Compacts and Agreements with thoſe Natives, this united Body (which likewiſe increas'd in Wealth and Poſſeſſions) ſoon became ſo Conſiderable as to make it neceſſary, That what was properly call'd the *Commons*, ſhould be a diſtinct Part of the State, and that it ſhould be Repreſented by Perſons and Members choſen from among themſelves. Thus in all theſe *Northern* Eſtabliſhments, there has been what was call'd either the *Eſtates*, *Aſſemblies*, the *Cortez*, *Diets*, or *Parliaments*.

This was the Original Conſtitution, in moſt of the Eſtabliſhments made by theſe *Northern* Nations, and under this Form of Government they continu'd without any material Change, till the Two laſt Centuries.

But

But in process of Time, the Soil alters the Nature of Man, as much as it does that of Plants; warmer Climates did by degrees soften these rough and Warlike People. Too much Sun produces that Effeminacy, which is the proper Matter for Arbitrary Power to work upon: Therefore all the *East* and *Southern* World has been Enslav'd, while colder Climates seem more tenacious of their Liberties. The *French* were the first who stoop'd to the Yoke of Regal Authority, not limited by Laws; *Spain* soon follow'd, to whose Kings their Foreign Acquisitions gave more Greatness than consisted with the Freedom of their People. At last it grew a Mode among lesser Kingdoms to imitate what had been done in larger Empires: So that the *Danes* and *Sweeds* were content to make and put on their own Fetters: And we in *England* were desiring to be like the other Nations round about us; had not the Virtue and Courage of a Few saved us often very narrowly from the Corruption and Madness of the rest, The bad Example of former Kings, the Vices of their Courts, nor our own Riches, have not soften'd and deprav'd us quite; and this Island having been planted by the most Warlike of all the Northern Tribes, and having still

ſtill preſerved a few of its old Inhabitants who retain ſomewhat of the antient Britton Courage; and this Soil having always bred and nouriſh'd Men of Heart and Stomach, it happens that we ſtill continue Free, and that we keep the main Parts of our Original Conſtitution.

Antient Conquerors have in the ſame manner divided their Acquiſitions, between the Prince, his Chief Fellowers, and the People; but the Tenures, or Rights, by which theſe Lands were to be Held, ſeem particular to theſe *Gothick* Settlements, and with admirable Polity contriv'd to preſerve the Links of Protection and Obedience, which ſhould hold Prince and People together; for 'tis Natural for Men to Cheriſh and Protect their Dependents; and as natural, to Love and Obey thoſe by whom we are Protected. Thus to make all Hold of the King, was almoſt as far as Human Wiſdom could go, to hinder this chief Landlord from committing Waſte in his own, and from injuring thoſe by whoſe Service he was to receive Aſſiſtance. But this Diviſion of Property would not have quite ſuffic'd, unleſs there had likewiſe been made ſuch a Partition of Power, as we have mention'd; for the Greater would have encroach'd upon, and

ſwallow'd up the Leſs, if the Power of each Part of the Conſtitution had not had certain Boundaries, as well as the Fields and Grounds had Landmarks, of one kind or other.

Our Ancient Government having its Foundation in ſuch Tenures as the *Goths* introduc'd, it will be neceſſary to ſay ſomething upon that Subject.

This way of holding Land by certain Services was brought in by the *Lombards*, who deſcended of the * *Gepidæ*, a People that quitting *Scanzia*, were left upon an Iſland of the River *Viſtula*, where increaſing in Numbers, they were compell'd to ſeek new Seats, and who after many Rovings and Adventures came at laſt to fix in *Italy*. What we call *Fee*, and what in modern Latin is call'd † *Feudum*, had its Original from the Kings of *Lombardy*, whoſe Cuſtom it was to grant Territories, Towns and Cities to their Captains and principal Followers who were to have a kind of Uſufructuary Right therein, or more properly the *Utile Dominium*; but of theſe Lands the Prince reſerv'd to himſelf the direct Dominion. 'Tis true, the *Romans* had ſomething like this, as the *Coloni Glebæ adſcriptitii*: And * *Alexander Severus*, and after him *Conſtantius* diſtributed Lands upon the Borders to their Sol-

* *Groti. Prolegom. in Hiſt. Goth. Vand. & Longobard.*

† *Cujacius Feud. l. 1. Tit. 1.*

* *Lamprid. in Sever.*

Soldiers, and their Heirs, upon Condition of Defence. But that which properly conſtitutes the *Feudum, viz.* The peculiar Oath of Fidelity and Homage, was an Inſtitution of the *Lombards*, who did not only aſſign Lands upon the Limits, but diſtributed whole Countries to be held by Fidelity and Service. Theſe Tenures were firſt at Will, afterwards for a Term; then they came to deſcend to one Son, afterwards to be an Inheritance. He that held the Fee was oblig'd upon Summons to arm himſelf and follow his Lord's Banner, and to ſtand by him in all Dangers: Beſides he was Subject to the Payment of Tributes, Aids or Subſidies. As the Prince conferr'd theſe Fees upon great Lords and Barons, ſo theſe Barons came to confer 'em upon others. The *Germans* had anciently ſomething of the like nature; but from *Italy*, they paſs'd into *France*, and from *France* into *England*. And certainly it was a wiſe Inſtitution, To give a new People, who were to be continually upon their Guard, either againſt the Natives, or Foreigners, ſome Intereſt in thoſe Lands, for whoſe Defence they were ſo often to expoſe their Perſons.

When theſe *Northern* Expeditions had Succeſs, and that a Country was ſubdu'd,

there was assign'd to the Prince, or he took to himself, part of the Land, which he Held in Demesne, from which, and by the Profits and Strength the Tenures produc'd, he maintain'd himself in War and in Peace, without laying, in Ancient Times, any other Burden upon his People. And without doubt, our Kings were most happy when they liv'd upon this Revenue of the Crown, which was neither grievous by its Weight, or Novelty. What the Prince thus receiv'd came chearfully, because the People had good Bargains from the Crown. 'Tis true, they who Held by Military Service, were at more Expence in time of War; but twas the nature of their Tenure, and they bore it; nor did a Warlike Race of Men, dislike now and then to be in Action. And 'tis probable, our first Princes chose to subsist from a Revenue that would be Paid without murmuring, and which they might call their own, rather than upon the Manufactures and Trade of their Subjects, as was practised by *Eastern* Kings and the *Roman* Emperors, who were always laying fresh Impositions upon their People, which ill suited with the free Genius of the Men these *Northern* Princes were to Govern.

Those

Thoſe Loads upon Induſtry, high Cuſtoms, and what we call Exciſes, were afoot in the *Roman* Empire, but not thought of in theſe *Gothick* Settlements: 'Tis true, from the time Kings have deſired greater Armies than their Crown-Revenues would maintain, ſuch Impoſitions have been reviv'd in theſe Parts of *Europe*.

Theſe Kind of Taxes, from which this ſide of the World had been exempt for ſeveral Ages, were renew'd by Ambitious Princes, who had great Thoughts, and ſmall Territory; of which kind, were *Ferdinand* and *Alphonſo* of *Aragon*, Kings of *Naples*, and *Lodowick Sforza*, Duke of *Milan*, who harraſs'd their Countries with theſe ſort of Duties, to ſuch a degree, as at laſt it produc'd an Univerſal Defection of their People. By theſe Ways and Means of Raiſing Money, *Lodowic Sforza* had heap'd up ſuch a Maſs of Wealth, that not Eight Years before *Milan* was taken, he ſhew'd ſeveral Foreign Miniſters, by way of Oſtentation, beſides Jewels, and other ſort of Riches, in no ſmall quantity, to the Value of One million, five hundred thouſand Ducats: A vaſt Summ for thoſe Times. The Kings of *Naples*, had likewiſe ſcrap'd up a great Treaſure, by *Guicciard.* L. 2. & 4.

the like Methods. But what did all this end in? These Exactions, had so provok'd the People, that neither the Innocence, nor Vertue of *Ferdinand*, *Alphonso*'s Son, nor the dark Wisdom and Subtilties of *Ledowick*, could avail 'em in time of Danger, insomuch, that they both lost their Dominions to the *French*, without hardly striking a Stroak. The Necessities, introcuc'd by the long Wars in *Italy*, brought these sort of Taxes more in Vogue, and they were chiefly made use of by the little Princes there, who Erected to themselves Tyrannies in several Cities. Not long after, this way of Raising Mony got footing in *Spain*, and the Tax was call'd the * *Alcabala*, by which, the King was to have the Tenth part of all that was Sold, or Exchang'd; it was first laid towards defraying the Expences of the Wars of *Granada*, against the *Moors*, and continu'd for some time, tho' the War was ended; but by the Authority of that Great Minister, Cardinal *Ximenes*, it was Abolish'd. They had likewise, Taxes upon the Consumption, long agoe in *France*, as in the Reign of † *Chilperic*, which the People thought so burthensome, that many therefore deserted their Country, and we hear not of 'em again in their Histories, till some Ages af-

* *Baudier l'Aminist. du Card. Ximen. Cap.* 3.

† *Mezeray vie de Chilp.*

after, and the manner by which they are now Collected in that Kingdom, came from *Italy*. But the Ancient Revenue of the Kings of *France*, consisted in Land. * *Mezeray*, says, *Le Revenue des Rois consistoit en Terres ou Domains, & en Impots qui se prenoient sur les Gaulois seulment, car il estoit odieux d' en prendre sur les Francois, on les levoit quelques uns en argent, quelques-autres en denres. Quand on fit l' arpantage ou partage des Terres, les Rois en eurent pour leur Portion quantite des plus belles specialement aux environs des grandes villes. Dans toutes ces Terres qu'ils apelloient*, Villæ Fiscales, *ils avoient des Officers ou serviteurs, qui se nommoient Fiscalins, & celui qui leur commandoit Domestique. On amassoit les Provisions de bleds, de vins, de fourages, de Chairs, specialement de Venaison, & de Porc.*

* *Vie de Clotaire.*

And as to Excises, Gabels, and high Duties upon Trade, they were unknown, among the Founders of the *English* Government, or of the Kingdoms round about us.

We have been compell'd to look thus far backward, and to repair to the Fountain-head, and Original of this Government, in order to illustrate, what we are going to lay down in this Section, which is,

I. That in Forming this Constitution, our Ancestors took care to make ample Provision for Maintaining the King's Crown and Dignity.

II. That, when those Lands, and Revenues had been parted with, which were allotted for his and the States Service, Parliaments have seldom fail'd to Relieve and Restore his Affairs, by Acts of Resumption.

William the *Norman*, when he had subdu'd *Harold*, aud got quiet Possession of the Crown, made a general Survey of the whole Kingdom. There was already a Survey, remaining at *Wincheſter*, which had been taken by King *Alfred*'s Order, about Two hundred Years before. *William*'s Survey, was call'd, *Doom's-Day-Book*, in which there was set down a Catalogue of all the Tenants in *Capite*, or Serjanty, that Held Lands in every County. In this Accompt, the King is always plac'd first, and His, and the Crown Lands, describ'd under the Title of *Terra Regis*; and in every one of these Counties the King had Lands and Mannors. The Great and Little *Doom's-Day-Book*, con-

contain'd the Deſcription of all *England*, *Weſtmoreland*, *Cumberland*, *Northumberland*, and part of *Wales* excepted. There were Appropriated to the Crown * 1422 Mannors, or Lordſhips, beſides Lands and Farms in *Middleſex*, *Shropſhire*, and *Rutlandſhire*; over and above which, there were Quit-Rents, paid out of ſeveral Mannors. Inſomuch, that * *Ordericus Vitalis*, ſays, *William* the Iſt. had coming in *L* 1061-10-1' *per diem* of Sterling Money, which, the Value of Money in thoſe Days conſider'd, was a prodigious Income. † *Jervais* of *Tilbury*, ſays indeed, That at that time, all the King's Tenants, paid their Rents in Kind: But this will appear manifeſtly otherwiſe, to any one that looks into *Dooms-Day-Book*.

* *Vide* Domeſ-day Book.

* Fol. 523

† *Jerv. Tilb. Dial. de Scacc.*

And tho' *Ordericus*, may have given us an Account ſomewhat too large, yet conſidering the Number and Value of his Mannors, and the Number of Knights Fees, which were Sixty thouſand, out of which Eſcuage might be Levy'd in times of Action, he had without doubt, a very great Revenue, either for Peace or War.

Sir *Robert Cotton* ſays, The Article of *Terra Regis*, in *Dooms-Day-Book*, conſiſted in ſuch Lands as K. *William* found

* *Cotton. Poſt.* pa. 179.

Ed-

Edward the Confessor had been in Possession of, and that to Alienate this Revenue from the Crown, was held Impious, by our Fore-Fathers.

Most certainly, in this Universal Survey, there was inserted whatever the Kings had claim'd to the time of *Edward*: But there was good Reason to think that he added to the *Terra Regis*, such Lands as he pretended were Forfeited by those who had ingag'd in the Battel of *Hastings*, and the Estates of the Barons, and other great Men who afterwards from time to time Revolted from him: Part of which Lands he annexed to the Crown, distributing the rest, with a reservation of certain Quit-Rents, among his *Norman* Followers.

By this Accompt it appears, That this Founder of our present Government, left to succeeding Kings a fair Inheritance, sufficient to maintain their Estate and Dignity at Home, and capable to Defend the Realm against Invasions from Abroad.

But this Model of a Politick Constitution, easie both to King and People, was somewhat shaken, even by his next Successor, *William Rufus*, who not only wasted the vast Treasure left by his Father, but also run into such Profuseness, as forc'd

forc'd him to Harraſs the whole Kingdom. He alienated the Crown-Lands: And * *Daniel* ſays, He was compell'd to reſume his own Grants. *William* of *Malmſbury*, ſpeaking of this Prince, ſays, * *Plures Patrimonia ſua effudere inconſulte largiendo. Quid vero eſt ſtultius quam quod libenter facias, curare ne diutius facere poſſis? Itaque quidem cum non habent quod dent, ad Rapinas convertuntur, majuſque odium aſſequuntur ab iis quibus auferunt, quam beneficium ab iis quibus contulerunt.*

* Dan. p. 44.

* Will. Malms. p. 122.

Henry the Iſt. who ſucceeded, had all the Qualifications belonging to a Wiſe and Provident Ruler. He brought to Puniſhment *Ranulphus* Biſhop of *Durham*, who had been the chief Adviſer of all the Irregularities, Profuſions, and Exactions of the laſt Reign: * He likewiſe took into his own Poſſeſſion, all his Father's Lands and Lordſhips in *Normandy*, which his Brother had ſquander'd away, and by the Judgment of Wiſe Men, made thoſe Gifts void which imprudently had been beſtow'd upon undeſerving Perſons.

* Ord. Vit. Fol. 822.

After the Death of *Henry*, *Stephen*, the Third Son of the Earl of *Blois*, by *Adela* the Fourth Daughter of *William* the I. was Elected King. He found in his Uncle's Treaſury 100000 *l.* beſides Plate and Jewels

Jewels of an immenſe Value; Having no good Title to the Crown, he was forc'd to purchaſe the good Will of the Principal Men by Gifts * *Multi ſiquidem, quos vel Nobilitas generis, vel magnitudo animi, vel potius viridioris ætatis audacia ad illicita præcipitabat, a Rege hi Prædia, hi Caſtella, poſtremo quæcunque ſemel collibuiſſet, petere non verebantur*; And with theſe Grants he bought the diſſembled Affection of his Courtiers. * *Malmsbury* calls it † *Simulatam ad tempus Pacem*; for all this Liberality could not make the Nobles faithful to him, his whole Reign, having been nothing but a Scene of Treachery and Bloodſhed. At laſt he was forc'd to come to Terms of Agreement with his Kinſman *Henry Fitz-Empreſs*, of which one Article was, That he ſhould reſume thoſe Grants, * *Regalia paſſim a Proceribus uſurpata Rex in ſua Recipiet.*

* *Will. Malms.* Hiſt. Nov. pa. 180.

* ibid.

* M. Par. p. 86.

And perſuant to this Agreement did *Henry* the II. act when he came to the Crown, which is to be the more admir'd in him, becauſe he was a Stranger born, Son of the Earl of *Anjou*, and ſucceeding by *Maud* his Mothers Title, and becauſe the Crown Revenue was got into powerful hands, able to give him ſtrong Oppoſition; but nothing could ſtand before his Courage

Courage and Perſeverance: He reſumed the Lands which King *Stephen* had given among his Followers. *William* Earl of *Albemarl* pretended to oppoſe him in *Northumberland*, but he brought him to reſtore what belong'd to the Crown, as he did likewiſe *Hugh Mortimer*, * *Conſiderans autem Rex quod Regni redditus & Dominica per Molliciem regis Stephani ad Domi-nos multos jam deveniſſent, præcepit ea cum omni integritate infra tempus certum a quibuſcunque detentoribus reſignari & in jus ſtatumque revocari.* He alſo took upon him to baniſh Foreigners, particularly the *Flemings*, who had neſted here in hopes of Booty under a looſe Reign: † *Rex tenuit Curiam ſuam apud Beremundeſiam, ubi cum Principibus ſuis de ſtatu Regni & pace reformanda tractans, propoſuit animo alienigenas gentes de Regno propellere.* *Matthew Paris* ſpeaking of this Prince, ſays, * *Qui continuo in Regem promotus, cæpit in jus proprium revocare Urbes, Caſtella & Villas quæ ad Coronam ſpectabant; Alienigenas, & maxime Flandrenſes de Regno expellendo, & quoſdam Pſeudocomites quibus Rex Stephanus pene omnia ad Fiſcum pertinentia minus caute contulerat, deponendo.* So that we have here the Inſtance of a Warlike King (for ſuch a one *Henry* was) greater in Revenue

* *Chronicon Johannis Brompton* Col. 1046.

* *Gerva. Chron.* Col. 1377.

* *M. Par.* p. 92.

venue and Extent of Foreign Dominion than any of his Predeceſſors, who thought it no Derogation to his Honour to look into theſe Matters.

And this provident Care of his had ſuch an Effect, that his Son and Succeſſor *Richard* the I. at his coming to the Crown, found in the Treaſury above * *M. Par.* 152. *L.* 900,000 beſides Plate and Jewels * *Inventa ſunt plura quam nongenta Millia librarum in auro & argento, præter Utenſilia & Jocalia, & lapides pretioſos.* But this and much more was preſently conſum'd in the mad Humor which at that time had ſeized all the Princes of *Europe* of making War for the *Holy Land.* To furniſh himſelf for this Expedition *Richard,* ſold ſeveral Parcels of the Crown Revenue. † *Hoveden* ſays, *Rex expoſuit venditioni omnia quæ habuit, ſcil. Caſtella, Villas & Prædia*; But the Lands thus granted away he did reſume. * *Daniel* ſays, that after his ſecond Coronation, which was at *Wincheſter*, he not only reſum'd the Mannors he had ſold to the Biſhops of *Wincheſter* and *Durham*, but whatſoever other Sales he had made of the Demayns of the Crown, *Alledging that it was not in his Power to alien any thing appertaining to the ſame whereby his State was to ſubſiſt,*

† *Hoved.* p. 658.

* *Dan.* p. 105.

ſubſiſt, * *Grafton* ſays, *That after his ſecond Coronation he call'd a Parliament, by the Authority whereof, he reſum'd again all Patents, and Annuities, Fees and other Grants before his Voyage by him ſold and granted, and cauſed the Parties to be contented with ſuch Revenues and Profits as they had received of the ſaid Offices or Lands, in the time of his Abſence: And ſpar'd not for any ſufficiency of Writing that by him before was made.* But, to confirm this, Authors may be produc'd of more Antiquity than either of theſe. * *Knyghton* ſays, *Poſt ejus Coronationis ſolennia quicquid prius leviter datum aut graviter venundatum fuerat repetiit, nomine commendati, fructus perceptos pro ſorte computans, ceſſante pacto, titulo & inſtrumento quocunque.* † *Brompton* ſays, *Denique quod cum ipſe iter verſus orientem arriperet & regnum ipſum multipharie ſciderat, ad integritatem ſatagebat priſtinam revocare. Quicquid enim ab illo tunc fuerat datum vel ponderoſe venundatum, ſub nomine repetiit commodati; & Regiarum poſſeſſionum emptoribus dicens, Non decet ſublimitati Regiæ fœnerari. Illi autem emptores mox regio metu attoniti, nulla habita quæſtione de ſorte non percepta, confeſtim omnia reſignarunt.*

* *Graft. Chron.* p. 90.

* *Hen. de Knyghton.* Col. 2408. N°. 40.

* *Chron. Johan. Brompt.* Col. 1259. N°. 10.

In

In Two Years of this Reign, *viz.* *Ann.* 1195 and 1196, there were actually raised in this Kingdom Eleven hundred thousand Marks, which is more than was really levied in any Two Years of the Late War; for if we consider the value of Money in those times, and the Proportion it bore with other Commodities, Eleven hundred thousand was more then, than Eleven Millions are now. *Hubert* the Archbishop of *Canterbury* writing to the King for leave to quit the Ministry shews. * *Quod infra biennium proximo præteritum adquisierat ad opus illius undecies centena Millia Marcarum argenti de Regno Angliæ.* The raising this vast Summ is an evident Sign how willing the People of *England*, have in other Ages been to give Aids and Subsidies to Martial Princes.

* Ro. Hovedon, pa. 767, 768.

After *Richard*, King *John* was Elected. This was a Reign of Civil War, Taxes, and Profusion; and the Character *Robert* the Clerk gave of this Prince to *Miramamolin* the Moor, was very true and Remarkable. * *Potius fuit Tirannus quam Rex; potius Subversor quam Gubernator; Oppressor suorum & fautor alienorum. Leo suis subditis, agnus alienigenis & rebellibus, qui per desidiam suam Normanniæ ducatum & alias multas terras amiserat; & insuper Au-*

* M. Paris. p. 244.

Angliæ regnum amittere vel deſtruere ſitiebat. Pecuniæ extortor inſatiabilis; poſſeſſionum ſuorum naturalium invaſor & deſtructor.

But theſe Waſtes were look'd into in the Reign of *Henry* III. King *John*'s Son and Succeſſor, not by the Prince himſelf, who was no better a Manager than his Father; but by the Barons. *Knyghton* ſays, That after *Lewis* and the *French* were driven away **Omnes Alienigenæ ejecti erant de Anglia & omnia Caſtella quæ Rex Johannes donaverat & tradiderat in Cuſtodiam Alienigenarum fuerunt reſeiſita in manu Regis.* This King laying open his Neceſſities to the Barons and his Council, ſaid, The Crown-Revenues, would ſcarce afford him Meat and Drink. To whom they anſwer'd, He might be Rich out of his own, if he would ſet ſome Bounds to his Liberality, and look into his own Affairs, and into the Proceedings of ſome of his Officers: They nam'd no body to him, but he underſtood whom they meant, and call'd ſeveral of his Miniſtes to Accompt, and brought them to Reſtitution. The Words of the Hiſtorian in this place, are very Obſervable, when the King had laid open his Wants. **Tunc Conſilarii Regis reſponderunt, Si pauper es tibi imputes, qui Honores & Cuſtodias ac dignitates vacantes ita in alios transfers, & a Fiſco alienas;*

* *Knyghton* Col. 2429. N°. 40.

* *M. Paris* p. 376.

quod nec in divitiis auri vel argenti, sed solo nomine Rex debeas appellari. Nam antecessores vestri, Reges magnifici & in omni divitiarum gloria ditissimi, non aliunde, sed ex Regni redditibus & emolumentis, Thesaurus impreciabiles congesserunt. At Rex ab eis instructus, quos nominatim exprimere tutum forsitan non esset cœpit a Vicecomitibus & Ballivis, aliisque Ministris suis, de redditibus & rebus omnibus ad Fisci commodum spectantibus, ratiocinium exigere: Et quoslibet de fraude convictos, a suis Officiis deponens, exegit ab eis pecuniam suam, etiam cum usuris & tenens coarctabat eos, donec redderent debitum universum. This Prince was the first who brought Strangers into his Councils, and the management of his Business. *Poictevins* and *Britons*, to whom he gave all the Power, and among whom he lavish'd all his Crown-Revenue, and the Treasure of the Kingdom. *Invitavit paulatim tot Pictavienſium Legiones, quod tam fere Angliam repleverunt, quorum Regnum agminibus quocunque pergebat, vallatus incederet.* But in 1234 he was compell'd by his Barons to Banish these Strangers: Yet he return'd quickly to the same bad Measures; insomuch, that his Brother *Richard*, Earl of *Cornwal*, told him, That he Rob'd his own Country to give it to Strangers, and the Kingdom's Enemies. In this Loose Reign, the

* Ibid. p. 386.

the * Money of *England* was corrupted: But nothing anger'd the People more than the immoderate Wealth he beſtowed upon Foreigners, namely, his Brothers by the Mother, and particularly to his *Poictevins* * *Eſchaetas & Reditus vacantes, Alienigenis ignotis, illiteratis, ſcurrilibus, & penitus indignis non deſtitit diſtribuere, ut ſic ſuorum naturalium corda inſanibilius ſauciaret.* While Things were thus Govern'd, Private Men inrich'd themſelves with the Publick Spoil, as for Example *John Manſel*, who brought his Eſtate to Four thouſand Marcs *per Annum*. But at laſt at a Parliament Held at *Oxford*, * *Peter of Savoy*, *William de Valence*, and the Biſhop of *Wincheſter*, the King's half Brothers, with the other Foreigners, were Baniſh'd. *Ubi ſtatutum erat* † *quod ad Terras ſuas quas in partibus tranſmarinis habebant transfretarent.* And that immoderate Wealth they had gather'd here, was not permitted to be carry'd away, but was || Seiz'd upon, and Confiſcated to the King's uſe. In this Colloquy, the Barons told him, That he was in Debt, and Ruin'd by the Strangers about him, who had Conſum'd all, ſo that he was forc'd to give Tallies for the Victuals of his Table. * *Domine Rex, inter manus Alienigenarum res utique tua male agitur & diverſimode tractatur, nam conſump-*

* Ibid. p. 733. 747.

* Ibid. p. 850.

* *M. Par.* p. 859.

* Ibid p. 973.

† *Knyghton* Col. 2445. N° 40.

|| *M. Par.* 973.

* *Knyghton* Col. 2445. N° 10.

sumptis universis multo jam deprimeris, a
alieno, & datis pro cibariis tuis Talen
versus es in scandalum in omni populo tuo
The Consequence of this Profusion, wa
grievous Taxes; the Taxes produc'd Di
contents, these Discontents, encourag
Simon Montford, and others, to begin th
Civil War, in which this King had be
lost, but for the Courage and Conduct o
his Son.

In the Reign of *Edward* the I. we d
not find there was any Resumption; b
Annn Dom. 1289. the Legislative Autho
rity did very wisely interpose in Corre
ing the Abuses of *Westminster*-Hall, *Fin
ing all the Judges for their Corruptio
and Extortions. Sir *Ralph Hengham* (wh
had been Chief Justice of the high
Bench, and Commissioner for the G
vernment of the Kingdom, in the King
Absence) paid Seven thousand Marcs; S
Edward Stratton paid Thirty four tho
sand Marcs; *Thomas Wayland*, found th
greatest Delinquent, Forfeited all his E
state: The whole Set paid among 'em
Hundred thousand Marcs; which fo
those Days, was a prodigious Summ.

* *Vide Dan.* p. 160, *Mat. West.* p. 414. N° 10, and *Knyghton* Col. 2466.

The next Reign of *Edward* the IId.
gives the prospect of Civil Wars, Tre
chery, Bloodshed, and a view of all the
Ca-

Calamities, that are the Conſequences of a Riotous and Profuſe Court.

The unbounded Favour of this Prince to his Minion *Pierce Gaveſton*, made Earl of *Cornwal*, and the Waſte which the ſaid Earl had made in the Crown-Revenue, ſo provok'd the Peers, that they never reſted till they had obtain'd an Inſtrument impowering ſeveral Eccleſiaſtical, and Lay Lords, to make certain Ordinances for the good of the Kingdom, which Inſtrument, and Ordinances made by Virtue of it, were afterwards ratify'd in Parliament.

Among other things, it was then order'd, That the Crown-Revenue ſhould not be Alienated. " Derecheif ordein eſt pur les dettes le Roy acquitter, & ſon eſtate relever, & le plus honourablement mainteiner, qe nul don de Terre ne de Rent, ne de Franchiſe, ne d' Eſchete, ne de Gard ne Marriage, ne Baillie ſe face a nul des ditz Ordenours durant leur poer del dit ordeinment, ne a uul autre ſauns Conſeil & aſſent des ditz Ordenours, ou de la greinder partie de eux au ſix de eux au moins, mes totes les choſes deſquex profits poit ſurdre ſoient enpruees al profit le Roy juſques ſon eſtat ſoit avenantment releve, *&c.* *Rot.* Ord. 5 *Edw.* II. N°. 3.

There is this Remarkable in the Record, That they bound up themſelves, as well as others, from receiving any part of the King's Lands, as we may ſuppoſe, not thinking it fair for them who had the Power, to keep the Purſe ſhut to others, and to open it for themſelves.

They took likewiſe Care of a Reſumption. * 'Et puis derecheife pur ſe qe
* Ibed Nº 7. 'Corone eſt tant abeiſſee & demembree p
'diverſes donns, nous Ordinons, qe to
'les donns qe ſont donez au damage
'Roy & deſcreſſe de la Corone, puis
'Commiſſion a nous fait, des Chaſteau
'Villes, Terres, & Tenements, & Bayl
'Gardez, & Marriages, Eſchetes, & Rel
'queconques queles ſoint, auſſibien
'Gaſcoin, Irland, Gales & Eſcoce, co
'me en Engleterre, ſoint repelleez & no
'les repellons de tout, ſanz eſtre redonn
'a meiſmes ceux, ſanz comun aſſent
'Parlement: Et que ſi tieu maner des do
'ou Reles ſoint Deſormes donez enc
'tre la form avantdit, ſanz aſſent de ſo
'Barnage, & ce en Parlement, tant qe c
'dettes ſoint acquittees & ſon eſta
* *Great Statute Roll from H. III. to 21 Ed. III M. 31. Bibli. Cott. Claud.* 'avenantment releves, ſoint tenus pou
'nuls, & ſoit le pernour puny en Parl
'ment par Agard del Barnage.

'Tis true, theſe Ordinances were revok'd in the * Parliament which this King

King held at *York*, the 15th of his Reign, juſt after he had Defeated and put to Death *Thomas* Earl of *Lancaſter*, with many other of the Barons. But his Rigid Proceeding with thoſe who had Fought in Defence of their Countries Freedom, and his immoderate Favour and Bounty to the *Spencers*, Earls of *Whincheſter* and *Gloſter*, with all his other Miſ-government, loſt him both his Crown and Life, in a ſhort time after.

'Tis to be preſum'd, That what the Parliament had done in *Edward* II. Reign, to hinder the Favourites from making Depredations upon the Crown-Revenue, had effectually ſtopp'd the Evil, becauſe we do not find there was any need of an Act of Reſumption in *Edward* the III's Time.

There is no part of our Hiſtory more remarkable, than the Life of *Richard* II. Grandſon of *Edward* III. And no Times afford ſo many Preſidents of Liberty aſſerted, and of the Exceſſes of Regal Power, with the Corruption of bad Miniſters, as this unfortunate Reign: But Miſgovernment will of Neceſſity bring on good Laws in the End: The laviſh Temper of this Prince, his unreaſonable Favour to the Duke of *Ireland*, to *Michal de la Pool*

Earl *Suffolk* his Chancellor, and others, with his looſe and careleſs Adminiſtration, produc'd the Parliaments of 10th 11th and 13th *Richard* II. by which his Power was circumſcribd and bounded. 'Tis true 21 *Richard* II. he procur'd a Repeal of what had been formerly ſettled by Parliament for the Welfare of the Kingdom, in which Seſſions he got Iniquity eſtabliſh'd by a Law; but the Concluſion of all this Miſgovernment was, that he incurr'd ſo much the the Publick hatred as to be deſerted by the whole People, and in a ſolemn manner to be depos'd.

The Exceſſes of the Court, and Rapine of the Miniſters in thoſe days, and towards the latter end of *Edward* III. produc'd Acts of Reſumption.

The Commons pray that all kind of Gifts whatſoever, made by King *Edward* III. may be examin'd, if worthily beſtow'd, to be Confirm'd, if otherwiſe to be Revok'd. * 'Item ils Prient, pur ceo que la 'Corone eſt moult abaiſſe & demembre par 'divers donns donez en temps de notre 'Seigneur, que Dieux aſſoille, & queux 'donns il eſtoit malement deceux & en plu'ſieurs Perſonnes malement emploeis, 'come home le poet declarer, a grand da'mage de lui, & de notre Seigneur le Roi 'q'ore eſt, ſi bien des Chaſteaux, Villes,

* *Rot. Parl.* 1 *Ri.* II. N°. 48.

Ter-

‘ Terres, Tenements, Baillez, Gardes, Mar-
‘ riages, Eſchetes, & Releves, auſſi bien en
‘ Gaſcoigne, Irlande, come en Engleterre,
‘ qe pleſe a notre Seigneur le Roy, &
‘ ſon Conſeil faire examiner par les Rolles
‘ de Chancellerie, du temps notre Seigneur
‘ le Roi, qi Dieux aſſoile, queux dounes,
‘ & a queux, & quelle ſomme ils amon-
‘ tent qi aviendront, a trop haut ſomme
‘ ſans doute, & qe ſur ceo ils ſoient ſage-
‘ ment examinez, aſqueux ils eſtoient do-
‘ nez notablement & profitablement, pur
‘ le Roi & le Roialme, & es queux notre
‘ dit Seigneur eſtoit deceux, & ſes donns
‘ malement employez, & queux tous ceux
‘ aſqueux notre dit Seigneur eſtoit deceux,
‘ & qi ſont malement employes, y puiſſent
‘ eſtre de tout repellez, ſanz etre redonez as
‘ memes ceux, ou a uul autre, tanqe ſes
‘ dettes ſoient acquites & leſtat de nos tres
‘ honoures Seigneurs les fitz de notre Seig-
‘ neur qi Dieux aſſoile, qi ſont poures a
‘ leur eſtat, y purra avenantement per aſ-
‘ cuns des ditz donns etre relevez, & ſoit
‘ le pernour quenſy ad notre dit Seigneur
‘ deceux punis en ceſt preſent Parlement,
‘ ſelonc ſon deſert par agarde de Baro-
‘ nage, en ſupportation du Charge qe le
‘ commune People y convient porter: Ra-
‘ tifiantz & Confirmantz a ceux qii ont de-
‘ ſerve, les donns en manere come notre

dit

'dit Seigneur, qi Dieux assoile, leur avoit 'grantez Considerant a chescun son longe 'service, & son Desert, & regardant sil 'please a notre Seigneur, as tous ceux qe 'servirent a nostre dit Seigneur, son Aiel, 'qe sont sans rewarde pur lour Service.

Resp. 'Les Seigneurs de continuel Coun-'seil serront Chargez de veer & examiner 'les ditz donns, & les Conditions estates '& deserts des Personnes & en ultre 'fair ce qe reson Demande.

Anno 3 *Richard* II. The Speaker says, If the King were reasonably govern'd in his Expences, within and without the Realm, he should have little need to charge his Commons, who were already much Impoverish'd. * 'Dist qe lour sembloit a la 'dite commune, que si lour Seigneur lige 'eust este bien & reasonablement gover-'nez en ses despenses par dedeins le Roy-'alme, & autrement, il neust ore besoigne 'de leur aide, per chargeant sa dite Com-'mune, quore est trop poure, *&c.*

* *Rot. Par.* 3 *Rich.* II. N°. 12.

Anno 5. *Richard* II. The King says, He will make no Grant without the Assent of the Lords of his Council, till he shall be out of Debt. * 'Item, 'Prient les Communes, qil plese au Roy 'notre Seigneur, qil puisse au present 'estre Escript en Rolle de Parlement, co-'ment ordenez est, per lui, nos autres 'Seig-

* *Rot. Par.* 5 *Ri.* II. P. 1. N°. 74.

'Seigneurs, & toute la Commune, qe de-
'deſore en aprez, nul donn de Terre, de
'Rente, de Garde, ne de Marriage, ne de
'uul Manere Eſchete ſoit Grantez a nul-
'luy, tanqe le Roy notre dit Seigneur
'ſoit hors de dette, & hors des tielx
'Charges de Guerre, come y ad au pre-
'ſent, & ſi aucune Perſone demande au-
'cune donn au contraiere de cette Petiti-
'on perde les ſervice & Compagnie notre
'dit Signeur pur toujours apres.

Reſp. 'Il ne ſemble mye honeſt ne
'choſe Honourable au Roy, ne a ſa dig-
'nitee, qil ſe ſieroit a telle Guiſe peront
'il ent fuiſt ſi oultrement conſtreint, mais
'pleſt au Roy & il voet pur le bien de luy
'meſmes & de ſon Roialme, ſoy reſtrein-
'dre, & abſtenir a doner ou granter a au-
'cune Perſone, Terre, Rente, Garde,
'Marriage, ou Eſchete, ſans laſſent & ac-
'cord des Seigneurs & autres de ſon Con-
'ſeil.

Anno 6 Rich. II. The Commons among other things pray, That the King will appoint good Orders about his Perſon, ſo as he may live within his Revenues, and that all Profits and Gifts may be employ'd upon the Wars, to the eaſe of the Commons. '* Come autrement ordeigner, qe 'bone Governail ſoit mys entour votre 'honorable Perſone, ſi qe vous purres ho-

* *Rot. Par. 6 Ri.* II. N° 42.

'neſte-

'neſtement & roialment viver, deinz les 'revenues de votre Roialme, & qe toutes 'Maneres des Gardes, Marriages, Releifs, 'Eſchetes, forfaitures, & toutes autres 'Commoditees, puiſſent eſtre gardez pur 'vos Guerres, & en defens de votre Roy-'alme, & nul part aillours donez en ſup-'portation & aide de vos poures Commu-'nes & grant honour & profit a vous.

Reſp. 'Le Roy eſt de bone Voluntee & 'le deſire moelt entierement de faire & 'ordonner en ce cas per lavis des Seigne-'de ſon Roialme ce qe luy ſemblera mi-'eulx affaire pur ſon honour & Profit.

Anno 9 *Ri.* II. It was enacted, That all the Revenues, as well in the *Exchequer*, as elſewhere, ſhould be laid up for one whole Year, without any Diminution thereof by Gift. '† *Item* qe ordeine ſoit en 'eſpecial qe tous les Revenues notre Seig-'neur le Roy, ſi bien en l'Eſchequer, com-'me aillours, ſoient ſauuement gardez per 'un an entier ſans eſtre donez a uully per 'uul Grant, en Supportation de Noſtre Seig-'neur le Roy, & de ſon People qe pleſe a 'notre Seigneur le Roy de charger & com-'mander les Seigneurs du Conſeil, & ſes 'Officiers en plein Parlement, que rien ne 'ſoit fait au contraire.

† *Rot. Par.* 9 *Ri.* II. N°. 42.

Reſp. 'Le Roy le voet.

Anno 11 *Ri.* II. The Commons pray, That

That no Hereditaments, or other Profits, then eſcheated to the King, be granted to any during the Wars, and that no Perſon preſume to crave any of the ſame. ‘ * *Item* ‘ Prient les Communes, qe toutes Maneres ‘ de Seignouries, Terres, Tenements, Rents, ‘ Services, Biens, Poſſeſſions & Chateaux ‘ qeconques, forfaits a notre Seigneur le ‘ Roy, par cauſe des Jugemens rendus de- ‘ vers les Perſones adjugez en ceſt preſent ‘ Parlement, & auxint toutes autres Terres, ‘ Tenements, Eſchetes, Forfetures, Gardes, ‘ Marriages, & autres Profits qeconques ‘ queux ſont, ou deviendront en la meins ‘ du Roy per qeconque cauſe demoergent ‘ entirement en la main du Roy noſtre Seig- ‘ neur durant les Guerres, pur acquiter ſes ‘ dettez & en eide de meintenir ſon eſtat ‘ & enſement en eeſe & ſupportation de ſes ‘ pauvres Communes du Roialme nient ‘ contreſteant aſcun Grant ou Garrant fait ‘ a aſcunnys avant ceſtheures & qe nul ‘ homme greindre ne meindre, en l'Hoſtiel ‘ du Roy, ne entour la perſone du Roy ‘ ne autre qeconqe, de quel Eſtat ou Con- ‘ dition quil ſoit, en privee, nen appert, ‘ ſoit ſy hardy a demander ou preinder de ‘ donn noſtre Seigneur le Roy, aſcuns des ‘ Seigniouries, Terres, Tenements, Rents, ‘ Services, Biens, Poſſeſſions, Eſchetes, ‘ Forfeitures, Gardes, Marriages, Chateaux, ‘ ou

* *Rot. Par.* 11 *Ri.* II. P. 1. N°. 24

‘ ou Profits ſuſdits, ou autres Profits, ou
‘ Revenus qeconques, durant les Guerres,
‘ come deſſus, ſur peine de forfaire le dou-
‘ ble devers noſtre Seigneur le Roy, & re-
‘ pelle de meſme la choſe iſſint demandez,
‘ & etre reint & Impriſonnes a la volonte
‘ du Roy. Purvus toutes voys, qe ſi af-
‘ cun home eit terres tenements ou Poſſeſ-
‘ ſions du Grant notre Seigneur le Roy,
‘ ou daſcuns de ſes Progeniturs, queux fu-
‘ rent parcelles de la Corone, qe per bon
‘ trette enter le Conſeil du Roy & les poſ-
‘ ſeſſeurs des tieux Terres & Tenements,
‘ meſmes les Terres Tenements & Poſſeſ-
‘ ſions poient eſtre rejoints a la dite Co-
‘ rone, a Profit du Roy, grantants autres
‘ Terres Tenements ou Poſſeſſions de les
‘ Forfaitures avant ditz en eſchange pur
‘ les Terres Tenements & Poſſeſſions de
‘ la Corone ſuſdite, & ſy les Seigneurs ou
‘ autres qi ont Terres ou Tenements de la
‘ Corone, come deſſus, ne voellent volon-
‘ tairement a ce aſſentir, ne accorder, qils
‘ eint & enjoient lours terres & tenements
‘ de la Corone avant ditz, come ils ont
‘ eu a devant, & qe les Grants Officiers du
‘ Royalme par avis des Seigneurs du Con-
‘ ſeil, eient Poer de vendre parcelles deles
‘ dites Forfetures per leur bone diſcretion,
‘ & qe le Grant ſur tiel vendue ſoit ferme
‘ & eſtable.

Reſp.

Reſp. 'Le Roy le voet, forpris d' Offices & Baillis, & ce qil a donne en ceſt 'preſent Parlement, iſſint, qendroit de 'forfeitures adjuges en ceſt Parlement, 'ſi aſcun pretend davoir droit ou Intereſt 'en Icelles, ſue au Conſeil, ſil luy ſemble 'affaire, & droit luy ſera fait.

The Miſgovernment of this Prince not only in his Revenues, but in all the Duties of his high Office, with his Profuſion and Partiality to his Favourites, made way for a very great Revolution, and drew on ſo much hatred of the People, as at laſt all his Subjects withdrew their Allegiance from him, and choſe another, King *Henry* the IV. his Couſin German.

Anno 1. *Hen.* IV. The Commons Pray, That the Lands, parcel of the Crown-Revenue, granted away by *Edward* III. and *Richard* II. may be reſum'd. * 'Item, 'touchant Terres, Tenements, & Rents, 'ou autres Poſſeſſions, queconques, qe 'furent parcelle de la Corone, ou des 'Seignouries de la Corone, en temps Seig-'neur *Edward* le tierce, Roy Dengleterre, 'ou en temps *Richard*, darrein Roy Den-'gleterre, nient donez per aſſent du Par-'lement, ne en eſchange pour autres Ter-'res, ore demurantz a la Corone, qe toutz 'y ceux ſoint rejoints arere a la Corone; 'purveu toutefoitz, que ſi aſcun Seigneur 'de

* *Rot. Par.* 1 *Hen.* IV. N°. 100.

'de lestate Chivaler, ou Esquire pur son 'travaille duement deservy, eit pur terme 'de sa vie, & nient autrement, qil ne soit 'rebote dicelx, devant qil soit autrement 'guerdonez & semblablements seit feat dela 'Principalte de Galles, de Cornwailee, & 'de Cestre, & reservez tout foits, as Ci-'teins & Burgeys, parmy tout le Royalme, 'lour Libertees & Franchises, & a lour 'Heirs & Successors.

Resp. 'Le Roy sadviesera, & par bone 'advys & Discretion ent fera due re-'medie.

Anno 5. *Hen.* IV. The Commons Pray, That the King would provide for the Repairing of his Castles, and Houses, and namely, for his Castle at *Windsor* which was greatly in decay, and not to Grant away the Profits of those Castles, and Houses, and notwithstanding, to stand to the Repair of the same, without which, he could not but run to the great Charging of the Commons. * 'Et auxint les 'dicts Communes monstrerent, coment les 'Chastellx & autres Manoirs du Roy sont 'molt ruineuses, & embusoignant de grand 'Repris, & Reperation, & coment les Pro-'sits dicelles sont donez as diverses Per-'sones, & le Roy supporte les Charges, 'come per especial, le Chastel de Winde-'sore, a qel feust assignee certain Commo-ditie,

* *Rot. Parl.* 5 *Hen.* 4. N°. 10.

'ditie, pur la Reparation dicelle, & ore
'meſme la Commoditie eſt donne as cer-
'taines Perſones, & le Roy ſupporte les
'Charges & auxint es autres places, les
'Gentz preignent les Profits de Herbage,
'& del vert, deins diverſes ſes Parkes, &
'Bois, & le Roy ſupporte les Charges de
'le encloſure dicell, & pur ceſtes impor-
'tunes charges, & pluſieurs autres, & pur
'les pluſieurs douns des Chaſtellx, Terres,
'& Seignouries, & des Annuites, faits & do-
'nez nient duement, ne deſcreteinment,
'& par eſpecial pur les Grandes Charges
'& Depenſes de le Hoſtel du Roy, & pur
'amendement des tielx meſchiefs faire, &
'pur ouſter tielx inconveniences en apres,
'en ſupportation del Commune People,
'les Communes prierent au Roy moelt en-
'tierment, & cordialement, qe conſiderez
'les Perils imminentes, de toutz parts per
'ſes Ennemys, & Rebelx, comes yont
'novelx de jour en autre, & coment le cas
'eſt tiel, qe ſi tielx meſchiefs ne ſoient
'Graceouſement remediez, & refourmez
'en ceſt Parlement y purroit eſtre qe ſur
'ſoudeins novelx de arrival des enemys,
'ou per autre voix, meſme ceſt Parlement
'de neceſſite ſeroit de tout depurtiz, &
'diſſolvez, & jamais les Seignours ni les
'Communes ſe re-aſſembleroient, pur re-
'medee ne redreſſe faire, ſur les meſchiefs
'ſuſdits, & autres qe Dieux deffende.

It appears by the Purport of this Petition, That there were certain Lands and Rents ſet aſide, or aſſign'd for the Repair of *Windſor*-Caſtle, that ancient Seat of our Kings, and Sacred to the Honours and Ceremonies of the *Garter*, and therefore particularly provided for with a Revenue, by the Wiſdom of our Fore-fathers; yet it ſeems theſe Lands ſo annex'd to *Windſor*, were at that time Granted away to ſome great Man, or craving Courtier: But this the Houſe of Commons did not then think reaſonable.

And the Remonſtrance thereupon made, was kindly taken by the King: For he anſwer'd the Petition in Perſon from the Throne. * Reſp. 'Et ſur ceo meſme
'noſtre Seignour le Roy moelt graciouſe-
'ment de ſon bouche propre, en plein
'Parlement, chargea & commenda ſi bien
'tous les ditz Seignours, come les ditz
'Communes, qils faiorient lour diligence
'& luy montreroient lours bons & ſeins
'conſeilx, celle partie, pur aide de luy,
'& de tout ſon Roilame.

'Et puis apres les dits Communes en
'meſme le Parlement firent reqeſte as
'ditz Seignours, qe come le Roy lour avoit
'donne tiel Charge, & mandement, & ceo
'en ſi haute Court de Record, qils fairoient
'lour diligence bien & loyalment ſans cur-
'toſie faire entre eux, en aſcune manere,

come,

'come ils voloient reſpondere devant lue 'Dieux tout puiſſant, & devant noſtre dit 'Seignour le Roy, & a tout le Roialme en 'temps avenir, & qe de ſur ceo meſme les 'Communes ent fairoient ſemblablement 'de lour partie, & diſoient outre meſme 'les Communes, a noſtre dit Seignour le 'Roy, qe ceſtes matiers enſi faits, & ac-'complez en ceſt Parlement, il lour trove-'roit foialx & naturelx liges devers luy de 'parfaire ſon plaiſir, & voloir a lour 'poiar par le aide de Dieux.

'Tis probable, this ſeaſonable Care of the Houſe of Commons reſcued for that time, the Lands belonging to *Windſor* Caſtle, for from that time theſe Lands continu'd in the Demeans of the Crown, till very lately.

And ſome Years after, *Viz. Anno* 31. *Hen.* VIII. there paſs'd an Act of Parliament expreſly to Annex ſeveral Mannors by name to the Caſtle and Honour of *Windſor*, not to be alienated from it; ſo carefull were our Anceſtors that this Noble and antientt Seat of our Kings, ſhould have ſome Revenue to keep the Houſe and Parks in good repair.

In the ſame Year, of *Hen.* IV. the Commons rehearſing, how King *Edward* III. in the Parliament Holden in the 11th. of his Reign Created his Eldeſt Son Duke of *Cornwal*, and the ſame Duke-

dom annex'd to the Crown, with divers Hereditaments by his Letters Patents, by Authority of the same never to be Dismembred, or Sold away. They therefore Pray the King to resume and seize, and so to unite again to the said Dutchy, such Lands as were Sold away by Prince *Edward*, King *Richard*, or by the King himself. * ' Non obstants Encorporation o' Union de qel Duchee per une haute Au' thorite ensi perfaite, puis encea est de' membrez, si bien per diverses Alienati' ons faitz per le avant dit *Edw.* nad' gaires Prince, come per le darreine Roy' *Richard*, qe fuist, & per vous.

* *Rot. Par.* 5 *Hen.* IV. N°. 22. *versus Finem.*

' Qe pleise a vous de vostre haute discre' tion, ove le Avis de tous Seignours e' prituelx & temporelx, en cest presen' Parlement Assemblez, considerantz l' Union dudit Duchee, en la manere a' vantdite, fait de requiler tout ceo, q' dedit Duchee est demembrez, & per Au' thorite de Parlement de reseiser & rejoin' dre a dit Duchee, come il fust a devan' non obstant ascune Alienation.

' Qele Petition lue & entendue fuist' responsdus en les parolles quensuent.

Resp. ' Accordez est per le Roy, & les Seig' nours en Parlement, qe le dit Mounseig' nour le Prince, per lavys de son Coun' seil, eit briefs de *Scir. fac.* Ou autre re' coverer le mieltz qil avoir purra, par les Esta-

'Eſtatutes & leys du Roialme, ſolonc ceo 'qe le cas requiert, *&c.* Wherein ſhall be allow'd no Protection, or Praying in Aid of the King, unleſs it be for Sir *John Cornwale* and *Eliz.* his Wife, late Wife of *John Holland* Earl of *Huntington*, and for ſuch Perſons to whom the King is bound by Warrantie. 'Sinon en cas qe le Roy 'ſoit expreſſement tenuz a la Grantie, *&c*

Anno 6. Hen. IV. The Commons Pray, That the King would reſume the Crown-Lands. 'Pleiſe a tres Excellent & tres re- 'doute Seignour, Noſtre Seignour le Roy, 'pur profit du Roy, & encreſce de ſa 'Corone, & ſupportation des pauvres Com- 'munes, de voſtre Royalme Dengleterre, 'granter les Petitions qenſuent. * *Rot. Par.* 6 *Hen.* IV. N°. 14.

'Pur ceo qe la Corone del Roialme 'Dengleterre, eſt grantement emblemiſſez, '& anientiſſez, per grandez & outrage- 'ouſes dons, faits as diverſes Perſones, 'ſi bien eſprituelx comme temporelx, des 'Terres, Tenements, Fee Fermes, Fran- 'chiſes, Libertees, & autre Poſſeſſions 'dycelles, Soit ordeigne en ceſt preſent 'Parlement, pur profit du Roy, & du 'Roialme, & ſupportation des Communes, 'qe tous Chateaux, Manoirs, Seignouries, 'Terres, Tenements, Fees & Advoeſons, 'Fee Fermes, Annuitees, Franchiſes, Liber- 'tees, & Cuſtumes, queux fuerent membre '& parcelle Dancienne Inheritance de la

'dite Corone, le an du Regne le Roy *Edward* Aiel noſtre Seignour le Roy qoreſt 'quarantiſme, & puis en cea, ſoint ils 'donez a terme de vie, ou a terme de ans 'en Fee ſimple, ou en Fee taile, ou ſur 'Condition, ou as Seignours Eſpirituelx, a 'eux, & a lour Succeſſours, forſpriſes 'Gardes, Marriages, & Eſchetes & hors-'pris ceo qeſt aſſigne a Reigne, en Dower, 'ſoint entierement reſumes, repris, & 'ſeiſes, es maines notre Seignour le Roy, '& rejointz al Corone avant dite, a y celle 'perpetuelment demeurer, ſans ent per au-'cune voie ou ymagination eſtre ſeverez 'dicelle, en temps avenir, forſqe ceux 'qont tieux dons ou Grants qe furent par-'celle del dite Corone le dit an quarantiſme 'ou depuis per Chartre eſpeciale, faite 'par Authority de Parlement: Et qe nulles 'Perſones du Roialme, de qel eſtat ou 'Condition qils ſoient, ne eient, tenient, 'ne enjoient, parcelle del Corone avant 'dite, de ancienne enheritance dicelle, 'alienez, grantez, ou donez, puis le dit 'an quarantiſme, ſans Authoritee de Parle-'ment, ſur peine de incurrer la Forfeiture 'dicelles Terres & Tenements, enſy par-'celle del dit Corone, & Empriſonement 'per trois ans: Et qe nul Officier de no-'ſtre Seignour le Roy face ne mette en ex-'ecution aucune tiele donne ou Grant en 'Temps avenir, ſur peine de perdre ſon

'Office,

‘ Office, & de forfaire qanqe il purra for-
‘ faire, envers notre Seignour le Roy, &
‘ le Empriſonement de trois Ans : Et qe
‘ toutes Maneres de Perſones, ou Officers
‘ & Miniſtres du Roys qeux ont auſcun
‘ don ou Grant des aſcuns tieux Chaſtelx,
‘ Seignouries, Manoires, Terres, Tene-
‘ ments, Fees, Advoeſons, Fee Fermes,
‘ Annuites, Franchiſes, Libertees, & Cu-
‘ ſtumes, ſuiſditz, qeux iſſint ſont parcelle
‘ dancienne Inheritance de la dite Corone,
‘ apres ceo qe les Paiements Affaires pur le
‘ Houſtiel du Roy ſes Chambres & Garde-
‘ robes ſoient pleinement paiez ou aſſignes,
‘ & la Reigne paiez de ſa Dower, & due-
‘ ment endowez, ſoient recompenſez a la
‘ volontee du Roy de la ſurpluſage, &
‘ reſidue des Ferms & annuitez ſuiſditz.
‘ Purveux toutezfoitz qe toutes les Seig-
‘ nours eſpituelx & temporelx, qi ont au-
‘ cunes Libertees & Franchiſes de don
‘ noſtre Seignour le Roy qoreſt, ou de ſes
‘ Progenitours puis le dit an qarantiſme,
‘ & paient Fee Ferm a la verray value pour
‘ ycelles, ou ent rendent due accompte al
‘ Oeps notre Seignour le Roy, cheſcun an,
‘ a ſon Eſchequer, & auſſi tous les Citees
‘ & Burghs deins le Royalme Dengleterre
‘ qont Franchiſes & Libertees du Grant
‘ noſtre Seignour le Roy, ou de ſes Pro-
‘ genitours, Roys Dengleterre, & con-
‘ firmez per noſtre Seignour le Roy qoreſt,

'pur Fee fermes annuellement a paie
'a noſtre Seignour le Roy, ou qont fait
'fyn pur y ceux Franchiſes avoir a noſtre
'Seignour le Roy qoreſt, ou a ſes Pro-
'genitours ne ſoint ouſtez ne disheritez
'de lour Franchiſes & Libertees, mes aient
'& entierement enjoient toutes les ditz Li-
'bertees & Franchiſes, & toutes autres lour
'Libertees & Franchiſes, a eux Grantez puis
'le dit an quarantiſme pur releifuement
'des Fee fermes, encreſce & Fortification
'des ditz Citees, & Burghs ſeloncqe la
'fourme & effect de lour Chartres, ent
'faites, ceſt ordeignance nonobſtant, Pur-
'veu enſement qe noſtre tres excellente
'dame la Reygne, ne les Fitz du Roy, ne
'ſoient contenuz ſoubs la conſtreint de ceſt
'Eſtatute, ou Ordeignance, Purveu auxi qe
'ceux qont Purchaſez de Roy *Richard*
'Terres ou Tenements, qeux furent a
'aucunes Perſones forejugez a Parlement
'tenus a Weſtminſtre lan unſieſme du
'Regne dudit Roy *Richard* ne lour Heires,
'ſoient ouſtez ne moleſtez de lour Terres
'& Tenements avantditz per vertue de
'cette Ordeignance.

Ibid. N° 55. 'Item qe tous Tonelx & Pipes des
'Vyns, des priſes de Roy, & autre Pipes &
'Tonelx des Vyns, grantez a aſcunes
'Perſones, de qel Eſtat ou condition qil
'ſoit, per noſtre Seignour le Roy, qoreſt
'ou per ſes Progenitours, a terme de vie,

ou

'ou a Terme de ans, ſoient entierement
'reſumes es mains du Roy.

'*Item* que toutes dons & Grantz des* Ibid N°
'Chaſtelx, Manoires, Terres, Tenements, 17.
'Fermes, Rents, Annuitez, Libertees, &
'Franchiſes, ou Poſſeſſions qe-conqes, faitz
'per le Roy *Edw.* Aiel noſtre Seignour
'le Roy qoreſt, ſes Anceſtres ou Proge-
'nitours, devant le dit an quarantiſme
'del Regne dudit Roy *Edw.* as Perſones
'del Roialme ſi bien as eſpirituelx, come
'temporelx, a terme de vie, a terme de
'ans, en fee taille, ou en fee ſimple, ou
'as auſcuns en mortmaine, a eux & a
'lour Succeſſours, ou as Citeins & Burgh-
'eis de Citees & Burghs, & as ceux des
'Cinq Ports, a eux & a lour Succeſſours,
'de aſſent noſtre tres graceouſe Seignour
'le Roy, les Seignours eſpirituelx, & tem-
'porelx & communes en yceſt Parlement
'aſſemblez, ſoient ſolonc le effect de lour
'Eſtates, per Eſtatutes ent en ceſt Parle-
'ment affaire, confermez & ratifiez ſans
'eſtre en aprez adnulez, repellez, ou
'revoqez; purveu toutes foitz, qe dons
'ou Grants des Chaſtelx Manoires Terres
'& Tenements, Feefermes, Rents, Annuites
'Libertees Franchiſes ou Poſſeſſions qe-
'conqes faitz devant le dit An quarantiſ-
'me as auſcunes a terme de Ans, terme de
'vie, ou en le Taille, en qele Caſe la Re-

ver-

'verſion eſt reſervee au Roy maintenant
'aprez le eſtate determine tieux Chateaulx
'Manoires, Terres, Tenements, Rents,
'Annuities, Libertees, Franchiſes & Poſſeſ-
'ſions qeconqes ſoient revertible au Roy
'come a ſa Corone & iſſint ſoient rejoint
'a la Corone ſans eſtre en nulle manere
'departis ou ſeveres en temps avenir.

'La Reſponce fait per le Roy de ladvys
'& aſſent des Seignours eſpriteulx & tem-
'porelx a les Petitions deſſus eſcripts
'Qeux le Roy voet metre en Execution
'en tout le haſte poſſible.

Ibid. N° 20. 'Reſponce en Engleis as dites Petitions
'And for as much, that the Commons de-
'ſiren that the King ſhould live upon his
'own, as good Reaſon asketh, and all
'Eſtates thinken the ſame, the King
'thanketh them of their good deſire, will-
'ing put it in Execution, als ſoon as he well
'may. And becauſe the Commons deſiren,
'that al that longed to the Corone the Forti
'Year of King *Edw.* and ſithe, hath be
'departed, ſhould be reſum'd, to that in-
'tent, that the King might better leve of
'his own: And foralſmuch that it may
'noght be known unto the King, which is
'of the Crown, and which is not, without
'more examination ne what hath be grant-
'ed ſith the fortie Yere of King *Edw.* unto
'this time, the King's intent is to Aſſign
certain

'certain Lords Sprituels, and certain Lords 'Temporels, and all his Juſtices, and his 'Sarjeants, and all other ſuch as him liſt 'name, for to put in Execution als far as 'he may by the Law of his Land or by his 'Prerogotive or Liberty all the Articles 'contained in the Petition of the Com-'mons in all haſt that he may in diſ-'charge of his People.

But this good Care of the Houſe of Commons for the King's Welfare, had no other Effect than to procure, That the Lands, Rents, Profits and Annuities ſo granted away, ſhould be ſeiſed into the King's Hands for one whole Year; but the Reaſon of this may be eaſily ſeen in the Record it ſelf. A great part of theſe Lands were got into the hands of the Clergy. The words of the Record are, *Outragious Grants made to divers Perſons, as well Spiritual as Temporal. Outrageouſes* dons faits *as divers Perſons, ſi bien Eſpirituelx, comme Temporelx* The People were in that Age very Superſtitious, as appears by the ſevere * Act which paſs'd two Years after againſt the *Lollards*; And where the People is Superſtitious, the Clergy never fail to have the Chief Power; And by their Intereſt, in all probability, it was procur'd, that the Nation could then be reliev'd only with one Years

* Vid. *Rot. Par.* 8 *Hen.* IV. N°. 62.

Years Profit from thoſe Grants; And becauſe this After-act militates ſo directly with what the Commons had done juſt before, there are good grounds to think, that the laſt Project began in that Houſe, which was then influenc'd by the Lords Spiritual. But we ſhall produce the Record it ſelf, to ſhew that the Writer deſires to handle this Subject impartially, and to ſet every thing in a fair Light.

Rot. Parl. 6 *Hen.* IV. N. 21.

'*Item* a Conſiderer les Grants faits per 'Patentes deſſous le grant Seal du Roy, '& de ſes Progenitours & Predeceſſours, as 'diverſes Perſones ſi bien a terme de vie, 'come en Fee ſimple, ou en Fee taille, ou 'autrement, y ne ſeroit honeſt, ny expe-'dient pur le Roy noſtre Seignour, de faire 'repelle, revocation ou reſumption des a-'cuns tielx Patentes, & ceo ſi bien pur la 'clamour & autre Inconveniences, qent 'purront avenir as eſtranges parties, come 'deins le Roialme Dengleterre, Et pur 'ouſter tielx Meſchiefs, accordez eſt, qe 'chaſcun home & feme, de qel eſtat ou 'condition qils ſoient, qe ont aſcuns An-'nuites, Fees ou Gages, a terme de 'vie, ou des Ans, du Grant du Roy '*Richard*, ou du Roy qoreſt, qils ſo-'efreront, & chaſcun de eux ſoefrera, 'meſmes noſtre Seignour le Roy da-'voir & enjoier les dits Annuites, Fees, & Gages,

'Gages, del Feſte de Paſche darrein
'paſſe, tanqal lendemain de Paſche pro-
'chain avenir; ceſtaſſavoir per un an en-
'tier. Purveu toutesfois qe les Fees, Ga-
'ges & Regardes de Chancelier, Treſorer,
'Gardien du Privee Seal, Juſtices de lun
'Bank & de lautre, Barons de leſcheqer,
'Serjeants du Roy a la Leye, & des autres
'Officers & Miniſtres des Courts le Roy,
'ne ſoient reſtreints per vertue de ceſte
'Ordeinance, mais qils ſoient paiez come ils
'ont eſte accuſtumez de eſtre paiez, devant
'ces heurs.

Item, Qe chaſcun home & feme, de Ibid.
'qel eſtat ou condition qils ſoient qont N. 22.
'aſcuns Chaſtelx, Manoires, Terres ou Te-
'nements, Rents ou autre Poſſeſſions, qel-
'conques, du Grante du Roy *Richard*, ou
'de Roy qoreſt, qe ils ſoefrerent & chaſ-
'cun de eux ſoefrera meſme noſtre Seig-
'nour le Roy, de avoir, & enjoier les
'Profits de meſme les Chaſtelx, Manoirs,
'Terres & Tenements, Rentes & Poſſeſſi-
'ons qeux ils ont enſi a terme de vie, ou
'des Ans, de le dit Feſte de Paſche dar-
'rein paſſe, tanqa lendemayn avantdit.
'Et qe le Roy ent ſeit reſpondus a ſon
'Eſcheqer : Forpris Fees & Advoeſons,
'Gardes, Marriages, & autres Caſueletees as
'Chaſtelx, Manoirs, Terres, & Tenements
'Rentes & Poſſeſſions avant dits appurte-
nants:

'nants: Et forpris les Chartelx, Ma-
'noirs, Terres, Tenements, Rents & Poſ-
'ſeſſions, Fee Farmes, Annuities, & les
'Profits & Commoditees, Aſſignees au
'Reigne, en Dower, ou donez ou grantez
'a les Fitz du Roy, & a chaſcun de eux:
'Et forpris ceux qont aſcuns Annutees
'per Grant ou Confirmation a eux ou a
'lour Anceſtres, fait en Parlement: Et
'forpriſes auxi les Chaſtelx aſſiſes ſur les
'Marches Deſcoce, ou de Gales, ou ſur
'les Couſtes de Mer.

But there ſeems to be given a Power to the King, by his advice of Council, to Reſume his Lands from ſuch as have more than they deſerve.

Ibid. N. 23. 'Item, Qe Proclamation ſoit fait en
'Chaſcun Contee Dengleterre, qe touz
'ceux qont aſcuns Annuitiees, Chaſtelx,
'Manoirs, Terres, Tenements, Fee
'Fermes, Fees ou Gages, ou autre Grant
'qeconqe, daſcune value annuelle, a terme
'de vie, ou des Ans du Grante du Roy
'*Edw.* Aiel noſtre Seignour le Roy, puis
'le an qarantiſme du dit Roy *Edw.* ou
'de Roy *Richard*, ou de Roy qoreſt,
'envoient ou portent devant le Roy &
'ſon Counſeil perentre cy & le Feſte de
'Chandeleure prochain a venir, a pluiſtard, les Copies de lour Lettres Patentes,
'a eux faits, per les Roys ſuiſdits, ſur
peine

'peine de forfaire meſme les Lettres Pa-
'tentes, au fyn qe noſtre dit Seignour le
'Roy, per advys de ſon Conſeil, purra
'ordeigner qe ceux qont fait bon ſervice
'eient & enjoient lour dites Lettres Pa-
'tentes, & les autres qe nount deſervies,
'ſoient tout outrement ouſtez de lours
'dites Lettres Patents: Et auxint de ceux
'qont pluis qe ne ont deſerviez, qe le dit
'Roy, per advys de ſon dit Counſeil,
'purra faire Moderation, come mieltz
'luy ſemblera.

Anno 7 *&* 8 *Hen.* 4. The Commons Pray the King, That no Lands to be Conquer'd from the *Welch*, ſhould be granted away in a Quarter of a Year, from the time ſuch Lands ſhould be taken in: The King among other things Anſwers, That he will not grant away ſuch Lands till he is inform'd of their Value.

'*Item*, Le dit Mr. *John* Pria pur les dits * *Rot. Par.* 7. & 8. *H.* IV. N° 15.
'Communes, qe les Chatelx Seignouries,
'Terres & Tenements, en la Terre de
'Gales, qe deſore, per la Grace de Dieu,
'ſeront conqis, ou gaignez, ſur les dits
'Rebealx, ne ſoient donnes a uully per le
'eſpace dun qarter dun Apres ceo qils ſe-
'ront enſi conqis ou gaines.

'A qoy le Roy reſpendi, qil ſe veilloit
'abſtenir deaſcun tiel don faire a uully
'tanqe al temps qe il ſeroit enformez de

la

'la value dycelles: Et ſi aſcun tiel don
'deſlors ſe feroit, qil le vorroit faire as
'tielx Perſones qe voillent demeurer ſur
'la conqeſt de la Terre de Gales ſuiſ-
'dits.

In the ſame Parliament, the Commons Pray, That certain Foreigners by Name may be Baniſh'd the Kingdom, which the King agrees to, and in his Writ to the Sheriffs of *London*, directs, That ſuch Foreigners ſhould produce ſuch Grants of Land, as they had obtain'd from Him, the Queen, or from others. * 'Item, 'Samedy le 8 jour de May a les ſouvent 'priers & reqeſtes des Communes, accorde 'feuſt per noſtre Seignour le Roy, & les 'Seignours Eſprituelx & Temporelx, 'touts les Aliens des qeux les noms 'compriſes en une Cedule, laqelle feuſt 'livree al Seneſchal del Houſtiel du Roy, 'voidant la Roialme devant un certain 'jour, compris en le Brief de Proclama- 'tion ent fait, come per la tenure dycelle 'brief, enroulle en la Chancellerie, y 'purra apparoir.

* Ibid 29.

And the King in his Writ to the Sheriffs, Directs among other things, '*Quod; omnes & ſinguli Alienigenæ prædicti, qui aliqua Terras, Tenementa, Annuitates, ſive Conceſſiones quæcunq; in Feodo ſimplici, vel Talliato, ſive ad terminum vitæ, vel annorum*

rum, ex Conceſſione noſtra, ſive ex Conceſſione chariſſimæ Conſortis noſtræ Reginæ Angliæ *ſive aliorum Ligeorum noſtrorum per litteras, ſive ſcripta, eis inde fact. obtinent, quoviſmodo, hujuſmodi Litteras ſive ſcripta nobis in Cancellaria noſtra liberent indilate, ad finem quod viſis Litteris & ſcriptis prædictis, inde fieri jubere valeamus, quod de jure, & ſecundum legem & conſuetudinem Regni noſtri* Angliæ, *fore viderimus faciendum.*

Anno 11. *Hen.* IV. The Commons Pray, That for ever hereafter no Grant may be made of any Hereditament, or other Profits of the Crown, except Offices and Bailiwicks, till the King ſhall be quite out of Debt; and unleſs there be remaining in his Coffers ſufficient for the Proviſion of his Family. To which the King agrees, directly, without Reſervation, till his Debts be paid, or unleſs there be ſufficient Proviſion for his Family, and with Reſervation for the Queen, His Sons, and for the Duke of *York*, and the Lord *Grey*.

* ‘ *Item*, Qe nulles Chaſtelx Honours Seig- * *Rot. Parl.* 11 *Hen.* IV. N°. 23.
‘ nouries, Manoirs, Villes, Terres, Tene-
‘ments, Franchiſes, Reverſions, Libertees,
‘ Forreſtes, Fees, Advoeſons, Eſchetes,
‘ Forfaitures, Gardes, Marriages ou au-
‘ tres Revenues qeconqes, ove lours ap-
‘ purtenances, forpris Offices & Baillies,
‘ en temps enſuivants, es Mains noſtre dit

'Seignour le Roy ou a ſes Heirs, Rois
'Dengleterre, a eſchiers, ou a venirs,
'ne ſoient en nulle manere donez, ne
'Grantez a aſcune Perſones, ſi ne ſoit al
'profit & Oeps noſtre dit Seignour le Roy,
'pur la Suſtenance de ſon Houſtiel, Cham-
'bre, & Garderobe, tanqe tous ſes dettes
'a ſes Lieges a preſent dues ſoient pleine-
'ment paiez, & deſlors enavant continuelle-
'ment reſonable Subſtance remaignant es
'mains noſtre dit Seignour le Roy, & ſes
'Heirs, Roys Dengleterre, pur la ſuſte-
'nance & ſupportation del Houſtiel,
'Chambre & Garderobe ſuis ditz, devant
'aſcun doun ou Grant fait al contraire di-
'celle en deſcharges de noſtre dit Seig-
'nour le Roy, & de ſon Roialme, en
'temps avenir: Et ſi aſcune manere de
'Perſone, de qel Eſtate ou Condition qil
'ſoit, eit ou reſceive en temps a venir, de
'doun ou de Grante, noſtre dit Seignour
'le Roy, ou de ſes Heirs, Roys Dengle-
'terre, aſcunes des Revenues deſſuis nom-
'mez, a contraire de ceſt Petition, qe le
'avantdit doun ou Grant ſoient outre-
'ment voidez, & come nulles tenus, & le
'Roy reſpondu en ſon Eſcheqer des Iſſues
'en le meſme temps dycelle provenantz
'& en temps enſuant a provenir per iſſint
'qe le Chancelier Dengleterre, qi pur le
'temps ſera, ſoit tenus a certifier en l Eſ-

chequer

'cheqer noſtre dit Seignour le Roy des
'douns & Grants avant dits, a tant de foits
'come il beſoigne.

Reſp. 'Le Roy voet qe touts les Cha-
'ſtelx, Manoirs, Honours, Seignouries,
'Villes, Terres, Tenements, Franchiſes,
'Reverſions, Libertees, Forreſts, Fees, Ad-
'voeſons, and Eſchetes, Forfeitures, Gardes,
'Marriages, ou autres Revenues qeconqes,
'ove lour Appurtenances, Forpris Offices
'& Baillies, qi eſcheiront de ce en avant,
'es mains noſtre Seignour le Roy, ne
'ſoient en nul manere donnez ne grantez,
'a aſcune Perſone, ſil ne ſoit al oeps
'& profit, noſtre dit Seignour le Roy,
'pur la Suſtenance de ſon Hoſtiel, Cham-
'bre & Garderobe, Et ſi aſcune manere
'perſone, de qel Eſtate ou Condition qil
'ſoit, eit ou reſceivre dyceſt 26. Jour de
'Avril, en temps avenir, aſcun tiel doun
'ou Grant, au contraire de ceſt ordeinance,
'qe le avant dit doun & Grant ſoient ou-
'trement voidez, & tenus pur nul, for-
'pris que Recompenſation ſoit fait au
'Reigne, ſolonc la tenure de ſes Lettres
'Patents, Et forpris les Fitz de Roy, Et
'auxint forpris qe recompenſation ſoit fait
'a Duc d Everwick & a Seignour de Grey
'ſolonc la Fourme de lour lettres Pa-
'tentes.

There was no full and direct Resumption
* *Rot. Par.* 1 *Hen.* V. N°. 40. during the Reign of *Henry* the V. * except of Lands given away in the Marches of *Calais*; by which it appears, that the Care taken in the former Parliaments, had somewhat fenc'd the King's Revenues, against the Rapine of the Favourites and Great Men. But tho' there was no Resumption, yet it was Enacted 1 *H.* 5th That the King should have 10,000 *l. per Ann.* out of the Annuities and Pensions formerly granted, which was no inconsiderable Summ in those days, since the whole Revenue of
* *Cot. Rec.* p. 156. the * Crown when he undertook the Conquest of *France* amounted to but *L.* 56,960 *per Annum.*

* *Rot. Parl.* 1 *Hen.* V. N°. 12. ' *Item* accordez est, & assentuz per le
' Roy & les Seignours, a la reqest des
' Communes en Parlement, qe sur les Paie-
' ments afaires de les Annuitees, Grantes
' as diverses Persons, per les lettres Paten-
' tes des Roys, mesme nostre Seignour le
' Roy, pur Sustenance & Supportation de
' son honourable Estate, & de les Gran-
' des Charges, Costages, & despenses de
' son Housthiel, Chambre, & Garderobe
' soit preferez de dix milles livres annuel-
' lement, & ycelle preferement accomplie
' soient les Persones dessuisdits paiez de
' lour dites Annuitees, solonc les Fourm-
' & effect de lour letters Patentes a eux en-
faits.

'faits. Purveus toutes fois qe les Seig-
'nours & autres Persones qont lours An-
'nuitees enheritablement, soient paiez de-
'mesme lour Annuitees solonc la fourme
'& effect de lour Chartre, & Lettres Pa-
'tents, ent faits, non obstant le prefere-
'ment avant dit.

Anno 28 *Hen.* 6. '* Prayen the Com- *Rot. Parl. 28 Hen. VI. N° 53.
'mons in this youre present Parlement
'Assembled, to consider that where
'youre Chanceller of youre Reaume
'of *Englond*, youre Tresorer of *Eng-*
'*lond*, and many of the Lords of youre
'Counseill, by youre high Commande-
'ment to youre said Commons, atte
'youre Parliament holden last atte *West-*
'*minster*, shewed and declared the State of
'this youre Reaume, which was, that ye
'were endetted in CCCLXXII. M. *li.*
'which is grete and grevouse, and that
'youre Livelode in yerely value was but
'V. M. *li.* And for as moche as this V
'M. *li.* to youre high and notable Estate.
'to be kept, and to paie youre said dettes
'woll noght suffice, Therefore that
'youre high Estate might be releved.

'And furthermore it was declared, that
'youre Expenses Necessaries to youre Hous-
'hould, withouten all other ordinarie
'Charges, came to 24000 *li.* yerely, the
'which exceedeth every Yere in expenses

'necessarie over youre Livelode 19000 *li.*
'Alsō please it your Highness to consi-
'der, that the Commons of youre said
'Reaume, been as well willed to their
'pore power, to releving of youre High-
'ness, as ever were Peple to ony Kyng
'of youre Progenitours, that ever reign-
'ed in youre said Reaume of *Englond*, but
'youre said Commons been so empover-
'ished, what by taking of Vitaile to youre
'Household, and other things in your
'said Reaume, and noght paied for,
'And the Quinsysme by youre said Com-
'mons, afore this tyme so often graunted,
'and by the Graunt of Tonnage and
'Poundage, and by the Graunt *of the*
'Subsidie upon the Wolles, and other
'Grauntes to youre Highness, And for
'lakke of Execution of Justice, that youre
'pore Commons been full nyght destroy-
'ed, And if it shuld continue lenger in
'such grete Charge, it cowde noght in
'oney wyse be hade or borne.

'Wherefore please it youre Highnesse,
'the premises graciously to consider; And
'that ye, by the advyce of youre Lordes
'Spirituels and Temporels & by auctorite of
'this youre presentParlement, for the Con-
'servacion of youre highEstate, and in com-
'fort and ease of youre pore Commons,
'wold take, resume, seise and reteine in
youre

'handes and poſſeſſion, all Honours, Caſtel-
'les, Lordſhippes, Townes, Townеſhipps,
'Mannours, Londs, Tenementes, Waſtes,
'Rentes, Reverſions, Fees, Feeferines, and
'Services, with all their Appurtenances,
'in *Englonde*, *Wales*, and in the Marches
'thereof, *Irlonde*, *Guyſnes*, *Caleys* and inthe
'Marches thereof, the which ye hafe graun-
'ted by youre Lettres Patentes, or other-
'wyſe, ſythe the firſt day of youreReigne,
'and all Honours, Caſtelles, Lordſhippes,
'Townes, Townеſhipps,Mannours, Londs,
'Tenements, Waſtes, Rentes, Reverſions,
'Fees, Feefermes, and Services, with all
'their Appurtenances, the which were of
'the Dutchie of *Lancaſtre*, and paſs'd from
'you by youre Graunte or Grauntes; And
'ye to have, hold and receive, all the Pre-
'miſſes, in and of like Eſtate, os ye hadde
'them atte the tyme of ſuch Grauntes made
'by you of theim.

'And that all Lettres Pattentes, or
'Grauntes by you, or by oney other Per-
'ſone or Perſones atte youre requeſte, or
'deſire, made to oney Perſone or Perſones,
'of the Premiſſes, or of oney of theim, in
'that, that to oney of the Premiſſes, be
'be void and of noo force.

'And over that, that all manner of
'Graunts of Rentes, Charges, or An-
'nuitees, made by you of Eſtate of In-

'heritance, for terme of Lyffe, or terme 'of Yeres, to oney Perſone or Perſones, 'to be taken of oney of theſe Premiſſes, 'or of youre Cuſtumes or Subſidies, or 'Awnage, or of youre Hamper, or atte, 'or in youre Receits, or in otherwyſe, or 'in oney other Place, or oney of theim, 'or of the Profites coming of theim, or 'oney of theim, withinne this youre 'Reaume, *Irlonde*, *Wales*, *Guyſnes*, *Calys*, 'and the Marches of the ſame, be voide 'and of noone effect.

'And that all manner of Grauntes, made 'by you, to oney Perſone, or Perſones, 'of Eſtate of Enheritance, terme of Lyffe, 'or terme of Yeres, of oney Herbage, or 'Pannage, Fiſhyng, Paſture, or Comyne 'of Paſture, youre Warein, Wode, Wyne, 'Clothyng, Furres to noone Office long-'yng, nor perteinyng, the ſeid firſt Day 'of youre Reigne, nor afore, noght yeld-'yng to you the verray value thereof, 'be voide and of noone effecte.

'And over that, like it youre High-'neſs, to take, reſume and ſeiſe, and re-'teine into youre handes, and Poſſeſſions, 'all manner Lettres Patentes, Privileges, 'Franchiſes, Hundreds, Wapentakes, Letes, 'Rapes, Vewe of Franchiſes, Fynes, 'Amerciaments, Iſſues and Profites of the 'ſame, by you graunted, ſyth the firſt

'Day

'Day of youre Reigne to oney Perſone or 'Perſones, or Abbot, Priour, Deane, 'Chapitre, Maiſtre or Wardeyne of Col-'lege, Fraternite, Crafte or Gilde. And 'all manner of ſuch Grauntes, to be voide 'and of noone effecte.

'And furthermore, All Grauntes made 'by you, to oney Perſone, or Perſones, 'of oney Offices, the which were noone 'Offices the firſt Day of youre Reigne, nor 'afore, be voide and of noone effecte.

'And that all manner of Grauntes, made 'by you, to oney Perſon, or Perſones, 'geaving theim Power to make or ordeine 'oney Office, or Offices, of whome the 'makyng and Ordeinance, the ſaid firſt 'Day of youre *Reigne*, or oney time ſyth, 'longd to you or theim, were noone ſuch 'Office, nor afore that, thanne ſuch 'Graunte as in makyng or Ordeinance of 'ſuch Offices be of noone effecte.

'And over that, That all Grauntes and 'Releſſes made by you ſyth the firſt Day 'of youre *Reigne*, to oney Abbot, Pri-'our, Covent, or to oney other Perſone 'or Perſones, for diſcharge or quytclayme 'of oney Corrodies, or Corodie, Pen-'ſione or Penſiones, diſmez ſpirituells, or 'Quinſziſmes, or diſmes temporells, *Rentes*, 'or Services, or oney other charge, be 'void and of noone effecte.

'And

'And that no Perſone nor Perſones 'havyng Eſtate in Offices, Fee ſimple or 'Fee taille, of youre Graunte, or oney 'havyng theyre Eſtate, have other Eſtate 'in the ſaid Offices, but terme of their 'lyffes, that nowe hafe the ſeid Offices 'with Fees and Wages, to the ſeid Offices, 'of alde tyme accuſtumed oonly, and 'noon otherwyſe.

'And that all manner of Grauntes by 'you made, or to be made to oney Per-'ſone or Perſones of the Premiſes, or of 'oney parcelle, during this youre preſent 'Parlement, be voide and of noone effect.

'And that noo Perſone or Perſones, that 'hadde oney thyng of the premiſes afore 'the tyme of the ſeid Reſumption, be 'noght chargeable by way of Accompt, 'or otherwyſe for the ſame ayenſt you, 'youre Heires and Succeſſours, except thoo 'that by youre Grauntes afore the ſeid Re-'ſumption were accomptable.

This is the fore-part of the Act, Word 'for word, to which the Houſe of Comm-'ons thought fit to add Savings to ſeveral 'Perſons, of which we ſhall give an Ab-'ſtract.

Firſt there is Saving to the Queen, for her Dower. [2] For the Colleges of our Lady of *Eaton*, and our Lady and St. *Nicholas* of *Cambridge*. [3] For Lands granted

ed in the Dutchy of *Lancaſter* to Perſons to the intent to perform the King's Will. [4] For Priories Alien then in the Poſſeſſion of Hoſpitals, or Religious Houſes. [5] For the Creation Money, paid to the Peers, but this Saving is with Reſtrictions. [6] For thoſe who had made Surrenders to the King, and taken other Lands in Exchange ſo as the laſt Grant exceed not the firſt in value or terme. [7] A Saving for Lands bought of the King by *Henry* Cardinal of *England* and given to St. *Croſſes*, with a general Saving for the Intereſt and Claime of private Perſons to the Lands intended to be Reſumed. [8] A Saving for thoſe who had Grants in former Reigns, out of which they were Lawfully Evicted, and in Conſideration of which they had Grants from the preſent King. [9] A Saving for thoſe who had exchang'd Lands with the King, ſo as the Lands exchang'd were not alſo of his own Gift, and ſo as what exceeded in Value ſhould be reſum'd. [10] A Saving for what paid Rent according to the true value at the time of the Grant. [11] A Saving for where the King was Feoffee in truſt, ſo as it was not in Lands of his own Gift. [12] A Saving for the Lord Chancellor, Treaſurer, Privy Seal, Juſtices, Barons of the Exchequer, Serjeants at

Law

Law, Atturney and Officers in the King's Courts of Record, for accuſtom'd Wages, Rewards or Cloathing, [13] A Saving for Grants made of their own Lands to Perſons born beyond the Seas, and of *Engliſh* Parentage. [14] A Saving for *All-Souls*-College. [15] *A* Saving for Cities and Burroughs, who by the King's Charter were to be exempt from the Juriſdiction of the Lord High Admiral or Warden of the Cinque Ports. [16] A Saving for Bodies Corporate, *&c.* who by Charter had Priviledge granted of Murage.

Theſe were all the Reſervations, the Houſe of Commons thought neceſſary in this Act. Then follows.

And that it like youre moſt High and Habundant Grace, tenderly to conſider theſe Premiſes, and thereuppon by youre high and grete Wiſdome, and by the Advyſe of the Lords Spirituels and Temporels, in this your preſent Parlement Aſſembled to ordeine, provide, and eſtabliſh ſuffi-
'ciaunt Poſſeſſions, of the Premiſes ſo re-
'ſumed for the contentyng and Paiment of
'the Expences, and Charges of youre
'Houſhold, and all youre other ordinarie
'Charges: And to Apply and Appoint
'the Poſſeſſions, Profites, Revenues, and
'Commodities of youre Towne of *Caleys*,

and

'and of *Guiſnes* and of the Marches there,
'hooly to be taken and received by youre
'Treſorer of *Caleys* for the tyme beying,
'he to apply theim to the Payments of the
'Souldeours there, and the repaire of the
'Gettes and other neceſſary reparations
'there behowfull; And the ſeid Treſorer
'thereof to you in youre Eſchequer duely
'to accompt; And all the Poſſeſſions afore-
'ſaid ſoo ſeverally provided for to abide
'and endure to you youre Heires and Suc-
'ceſſours in perpetuitie, to the ſame end
'and effecte, and noon other, with ſuch
'peines and Puniſhments to be ſette there-
'upon, by youre wiſe diſcretions, that
'noone of youre Leiges in tyme to come
'attempt the contrarie thereof, or accept
'any parcell of hem, ſo ordeined, for the
'ſeid Proviſions; ſo that the ſeid Ordei-
'naunce ſoo made be ſent and declared to
'us youre ſeid Beſeechers, during this
'your ſeid Parlement, to the ende and
'effecte we to yeve thereto our aſſent, ſo
'that it can be thought to us for youre
'Honour, profite and welfare of us, all ſo
'to doo, that it be authoriſed in this
'youre high and Roial Court of Parle-
'ment, and by Auctorite of the ſame.

Reſp. 'The Kyng by the Advyſe and
'aſſent of the Lords Spirituelx and Tem-
'porelx in this preſent Parlement aſſem-
'bled.

'bled, and by the Auctoritie of the same, 'agreeth to this Petition and Resumption, 'and the same accepteth and establisheth, 'Alweys forseyn that all exceptions mode-'rations forprises and provisions by hym 'graunted ordeined and admitted, and 'putte in Wryting in this same Parle-'ment, upon the premisses, be and stand 'good and availlable in Lawe, after the 'Fourme and effecte of the contynue of 'the same exceptions Moderations and 'Provisions; And that all Lettres Patentes 'of the Kyng made to oney Persone or 'Persones named in oney of the same Ex-'ceptions moderations forprises and pro-'visions, be good and effectuel after the 'Fourme and continue of the same Lettres 'Patentes, by whatsomever name oney 'such persone or persones be named in 'oney such Lettres Patentes, the said Act 'and Petition of Resumption or oney 'thing conteined therein notwithstanding.

'Provided alway that it extend not to 'oney Possessions or other thyng made or 'graunted by the Kyng to oney persone or 'persones in *Caleis* or in the Marches there-'of or in the Lond of *Irlond*.

'These that followen been the Excep-'tions Moderations forprises and provi-'sions by the Kyng graunted ordeined 'and admitted, and in this same Parle-

ment

ment upon the Premiſſes put in wryting.

Firſt Saving for *Merton*-College. [2] For *Leon* Lord *Wells*, inaſmuch as he had a Penſion juſtly due to him. [3] For the Dower of the Dutcheſs of *Warr.* [4] For Lands exchang'd with *John Fray.* [5] For the College of *Leiceſter.* [6] For the Expences granted by Patent to *Richard* Duke of *York* in the Lieutenancy of *Ireland.* [7] For Reſtitutions of Temporalities, *&c.* to Arch-Biſhops, Biſhops, *&c.* [8] For the Priory of *Henton.* [9] For *John Stourton*, Treaſurer of the Houſhold for 5000 *l.* to be expended in his Office. [10] For the Prior of St *John*'s for 15 *s. per Annum.* [11] For the Friars of *Kings Melcombe*, upon a valuable Conſideration. [12] For Lands taken in Farm of the King, and improv'd. [13] For *Jervais le Unlre*'s Penſion of 24 l. *per Annum*, as the King's *French* Secretary. [14] For Lands given to the Abbot and Church of *Weſtminſter*, out of which they were to diſtribute Alms. [15] For the Duke of *Somerſet*'s Lands bought of the King, for valuable Conſiderations by *Henry* Cardinal, and ſold by the Cardinal to the Duke. [16] For the Chief Juſtice. [17] For *Oriel*-College. [18] For *All-Souls* College. [19] For the Abbot and Covent of *Selby* their Releaſe of Diſmes. [20] For *Thomas*

mas Derling, Serjeant of Arms, his Cloathing and accuſtom'd Wages. [21] For *John Waterford* the ſame. [22] For *John Bury*'s Penſion of 12 *p. per diem*, &c. [23] For the Priory of *Brydlyngton*, Endow'd by the King in eſpecial Devotion. [24] For a ſmall parcel of Land given to the *Charter* Houſe of *Sheen*, Founded by the King his Father. [25] For Lands only reſtor'd to the College of *Knolleſmes*-Houſe in *Pontfract*. [26] For *John* Earl of *Shrewsbury*, as to 100 *l.* Annual Penſion for Life and Lands in *Waterford*, till then yeilding nothing, being in the Hands of Rebels, the ſaid Earl having had no other Recompence for his long Services. [27] For the Lord *Scales* Penſion of 100 *l. per Annum* for his long Services in *France*, and Duchie of *Normandy*. [28] For *William Stone*'s Penſion of 26 *l.* 13 *s.* 4. granted him laſt Parliament, at the Requeſt of both Houſes, for great Services as well to the King, as to his Father. [29] For *Richard Welſden*'s Penſion of 10 *l.* 6 *s. per Annum* for Life, out of the Fee-farm Rent of *New-biggyng*, which Fee-farm had been uſually diſtributed among the King's Servants from King *Edward* III's time. [30] For the City of *Canterbury*'s Charter, in relation to their Officers only. [31] For Charters of Denization. [32] For Sir *John Aſtley*'s Pen-

Penſion of 100 Marks, for Life. [33] For Houſes granted to the Dean and Church of St. *Steven Weſtminſter.* [34] For *Will. Rouſe*, one of the Clerks of the Crown, as to his Patent for his Office, and as to 20 *l. per Annum* out of the Hamper for Execution of his ſaid Office. [35] For the Collegiate Church of *Leiceſter* as to their Ton of Wine. [36] For *Will. Crawen* and others their Patent who were erected into a Fraternity. [37] For the Heirs of the Lord *Bardolph* on accompt of Lands reſtor'd to them by good advice. [38] For the Vicounts, *Beamont* and *Bougchier* both as to the Patents for their Honours and Creation-Money. [39] For the Dean and Chapter of *Lichfield*, concerning their Patent for certain Liberties and Priveleges. [40] The ſame for the Town of *Eſtratford.* [41] The ſame for the City of *York.* [42] For the Abbot of *Byland*, about a ſmall Fee-farm Rent. [43] For *John Vicount Beamount*, *Ralph* Lord *Cromwel*, and others, in relation to Lands granted to them, the Value not expreſs'd in the Proviſo. [44] The ſame for *John Fanceby*, value not expreſs'd. [45] The ſame for *John Hampton*, but 40 *l. per Annum* reſum'd from him. [46] For *Ralph Bapthorp*, Eſquire of the Body, for Lands given, or ſold to him. [47] The ſame for *John Norreis*, only there is re-

ſum'd from him 50 Marks *per Annum* Penſion and 6 *l.* 13 *s.* out of *Merſton Meſſey*. [48] For *Phil. Wentworth* Eſquire of the Body. [49] The ſame for *Thomas Denyel*, but the Manuor of *Gedyngton* of 26 *l.* 6 *s.* Yearly Value is reſum'd from him. [50] The ſame for *Will. Treſham* only 20 *per Annum* is reſum'd from him. [51] The ſame for *Thomas Myner*, and others the King's menial Servants, only 20 out of 40 *l.* *per Annum* is reſum'd from *Jenkyne Stanley*. [52] For the Earl of *Arundel*, for Lands granted to him, the value not expreſs'd. [53] The ſame for *Richard* Earl of *Warwick*. [54] For *Richard* Earl of *Salisbury*, but a Fee-farm taken from him of 24 *l. per Ann.* and ſome certain Privileges very extraordinary are taken from him, and others in *Richmondſhire* reſerv'd to him. [55] A Saving for the Lord *Dudley*, as to ſome Patentes, but other things are reſum'd. [56] For certain Privlleges granted to Sir *John Boteller*. [57] For Sir *Thomas Haryngton* on accompt of Lands granted to him for good Services, ſpecified in the Proviſoe. [58] For Sir *Richard Wyddewil*, Lord *Rivers*, and others, on accompt of Lands granted or confirm'd to them. [59] For Sir *John Talbot*, and others, on accompt of 20 *l. per Annum* Penſion to be paid to them, or the ſurvi-

vor

vor of them. [60] For the Lord *Clifford* for Lands granted to him. [61] The ſame for *Henry Everingham*, ſo as his Grant exceed not the value of 12 Marks *per Annum*. [62] For *Rich. Hakedy*, the King's Apothecary, as to 40 Marks Yearly granted for his Life. [63] For *Robert Fenys* and *Thomas Bermingham* for Grants made to them, but form *Robert* there is reſum'd 20 l. Feefarm Rent. [64] For *Rob. Manfeld* and his Son for Lands Granted or Confirim'd. [65] The ſame for *Will. Say* and *Thomas Shargyl* the KingsServants. [66] The ſame for *Gilbert Par*, but 9 l. *per Annum* Feefarm Rent reſum'd [67] The ſame to *John Trevilian* as to ſome ſmall Grants expreſs'd. [68] The ſame for *Henry Langton* the King's Servant. [69] The ſame for *John Say*, as to a Grant for his and his Wifes lives, but L. 9-2-6. Feefarm Rent reſum'd. [70] Theſame for *John Blackney* the King's Servant. [71] The ſame to *Rob. Fowles Hyrſt* the King's Servant ſo as it exceed not 10 Marks *per Ann.* [72] The ſame as to a Grant for life of 20 l. *per. Ann.* [73] The ſame for *John Down* the King's Servant as to two ſmall Grants. [74] The ſame to *Griffith ap Nicholas* as to a Grant of 15 l. *per Ann.* [75] The ſame for *Henry Manners* one of the King's Servants. [76] The ſame for *John Chyval* and others the

King's Servants, but three Pipes of Wine, and 10 l. *per Annum* Feefarm Rent are here resum'd. [77] The same for *Will. Elton* and others the King's Servants as to some Leases or Confirmations. [78] The same for *John Sutton* Kings Servant. [79] the same for *Robert Wyllyn* King's Servant. [80] The same for *John Woodhouse* King's Servant. [81] The same for *Henry Rossyngton*, and others the King's Servants. [82] The same for *John Slyfirst*, and several others the King's Servants, as to their Salaries, which were reduc'd to 10 *l. per Annum.* [83] The same to *Thomas Carr* the King's Servant. [84] The same to *Andrew Lowe* King's Servant. [85] The same for *Thomas Schapp* King's Servant, as to 6 *d. per diem* Sallary. [86] The same for *William Langton*, and others of the King's Mynstrel, as to their Salaries of 6 *l.* 13 *s.* 4 *d. per Annum.* [87] The same for *Will. Clarence* King's Servant. [88] The same for *Bryan Wager*, King's Servant. [89] The same for Sir *Richard Roos* and others, but in this Proviso several Resumptions are made. [90] The same for *Thomas Mongomery* Esquire, so as what he enjoys of the King's Gift exceed not 23 *l. per Annum.* [91] The same for *Thomas Calbras* King's Servant, as to his Salary of 12 *p. per diem.*

[92]

[92] The ſame for *James Hornby* and *Tho. Oſborn* Kings Servants as to their Offices, Wages and Cloathing. [93] The ſame as to *Tho. Bradfeld*, but here 8 Marks *per Ann.* Fee Farm Rent is reſumed. [94] The ſame for *Rowland Lenthal* as to Lands bought of or exchanged with the Crown. [95] The ſame for *Rich. Wednyng* as to the Reverſion of an Office. [96] The ſame for *Chriſtop. Whittacre* as to an Office and Sallarie of 4 Pence *per diem.* [97] The ſame for *William John* as to a Grant made upon a Surrender. [98] The ſame to *John Brely* as to his Office. [99] The ſame for *Thomas* Lord *Egremont* as to 45 *l. per ann.* to him and his Heires for Suſtentation of the Honor. [100] The ſame for *Wotkyn Bedell* King's Servant as to a Feefarm Rent out of Mills in *Herefordſhire.* [101] The ſame for Sr. *Rich. Molyneux* and his Son as to their Offices and Sallaries and as to ſome Leaſes they had from the Crown. [102] A Saving to the Town of *Kingſton* upon *Hull* as to ſome Franchiſes granted to them. [103] For *Ralph Leigh* and others King's Servants ſo as the Grant made to them all exceed not 20 *l. per ann.* [104] For Sr. *John Langton* and his Son as to ſome Leaſes. [105] A Saving to the Prior and Convent of *York* as to ſome Pardons and Releaſes made to them. [106] A Saving for Sr. *Edmond Hungerford.* [107] Another Saving for Sr. *Edmond Hungerford* and *Phil. Courtney* as to ſome Mannors they held by Leaſe and for which they paid Rent. [108] For *John Hunt* and others, Clerks of the Chappel as to ſome Grants ſo as no Grant made to any of them exceed 20 Marks *per ann.* [109]

For

For *John Watts* and others King's Servants as to ſome ſmall Penſions for Life. [110] A Saving to *John Merſton* and others the Kings Servants but with Exceptions. [111] For *John Weſenham* King's Servant. [112] A Saving to *John Holt* for ſome Lands (as it ſeems) rather reſtor'd than granted. [113] For *Thomas Frank.* [114] For *John Arnold* and others as to ſome Tenements they held in Truſt for Religious Uſes. [115] For *John Rypon* King's Servant. [116] For *John Browne* and *Thomas Cateſby* as to ſome Eſchetes and Grants of ſmall value which is expreſſed in the Proviſo. [117] A Saving for *John Baker* and *Rich. Wardale* King's Servants. [118] A Saving to the Lord *Hungerford* for the Mannor of *Hungerford* out of which there was a reſerv'd Rent, and in the ſame *Proviſo* there is a Saving for Sr. *Rich. Hungerford* Ld. *Molins* as to a ſmall Grant. [119] A Saving to the Earl of *Northumberland.* [120] A Saving to *Tho. Kent* as to 100 Marks *per ann.* in Conſideration that the ſaid *Kent* had been at great Expences in repairing the Port of *Southampton*, and that by this Reſumption he was to looſe ſeveral Grants expreſs'd in the Proviſo. [121] A Saving for *John Green* Eſq; who had certain Priviledges and Free Chace granted him by Letters Patents in his own Woods. [122] For the Monks of *Sempyngham* as to a Pardon or Releaſe of Diſms. [123] For *Will. Butkley* King's Servant as to his Salary of 12 Pence *per diem* who had no other reward for his long Services. [124] A Saving for *John Kingly* and *Rob. Whitgrene* as to ſome ſmall Grants. [125] For *William Boerly.* [126] For

Jenkin

Jenkin Stanley and his Son as to ſome Grants and for the Vitlerſhip of a Caſtle. [127] A Saving for the Lord *Veſſey*. [128] For *John Welbeck* Kings Servant as to his Salary of 12 Pence *per diem*. [129] A Saving to the Towne of *Notyngham* for certain Franchiſes provided they increaſe their preſent Feefarm Rent 13 *s*. 4 *d*. above what they already paid. [130] For *John Turges* the Queens Harper as to 10 Mark *per ann*. for Life which he was to have after the death of another. [131] For *Will. Beaufitz*, but here is a Reſumption of 15 *l*. *per ann*. Feefarm Rent. [132] For *John Peycock* as to 6 Pence *per diem*. [133] A Saving for Sr. *Tho. Fulthorp* Juſtice of the Common Bench value not expreſs'd. [134] For *Gilbert Haltoft* Secondary Baron of the Exchequer as to 20 Mark *per ann*. for his Life. [135] For the Lord Chief Baron as to 40 *l*. *per ann*. Robe Veſture and Furrure. [136] For *John Fowardly* as to 20 *l*. *per ann*. for life, and *John Poutrel* as to 20 Mark *per ann*. for life. [137] For *John Sleg* and his Wife as to 4 *l*. 6 *s*. *per ann*. for life [138] For *John Prude* Kings Glazier as to 12 Pence *per diem* for life. [139] A Saving for *Colcheſter* and *Ipſwich* as to Franchiſes and Liberties. [140] For the Town of *Rye* as to a Grant made to them. [141] For the Town of *Shrewsbury* as to Franchiſes and Liberties. [142] For the Town of *Bridgenorth* the ſame. [143] A Saving to *John* late Duke of *Somerſet* as to a Feefarm Rent of 15 *l*. *per ann*. [144] For *Nich. Semtlo* as to Grants ſo they exceed not 20 *l*. *per ann*. [145] For *Giles Thorndon* Eſq; as to a Grant of 7 *l*. *per ann*. for life which he had out of Lands in *Ireland*.

[146]

[146] For *Will. Catesby* King's Servant as to 10 *l. per ann.* for life. [147] For *John Parker* Kings Servant. [148] For *John Martyn* Kings Servant as to 6 *d. per diem.* for his life. [149] For *George Danyel* as to Grants so they exceed not 20 Mark *per annum.* [150] For *John Hoghton* and other Servants at Arms, as to their Patentes, 'tis to be suppos'd for their Employments. [151] For *Rob. Wood* Clerk as to a Reversion of a Feefarm Rent of 10 *l. per ann.* [152] A Saving for King's Hall in *Cambridg* as to a piece of waste ground and Conduit granted. [153] For *Tho. Smith* as to his Office and Sallary of 4 Pence *per diem.* [154] For *Will. Burton* Queens Servant as to 100 Shill. *per ann.* for his life. [155] For *Thomas Derlyng* and *John Moor* Serjant at Arms as to their Fees. [156] A full Saving for the Colledges founded by the King in *Cambridg* and at *Eaton.* [157] This Saving relates to the same Colleges. [158] For *Will. Bradford* and *Thomas Kendal* Kings Officers as to their Fees. [159] For *Tho. Merton* as to 100 Shillings *per ann.* [160] For the Dutches of *Somerset* as to part of her Dower. [161] For *John Pulloo* as to his Office and Fee. [162] For *Coney ap Rice* the same. [163] For the Lady *Roos* Widdow as to 60 *l. per ann.* for life. [164] Provided also that noon exception made by us upon the Resumption in this present Parliament of any Possessions extend to oney Londs, Tenements, Fees, Offices Fermes or any other thing in *Caleys* or in the Marches thereof. [165] A Saving for *Robert Tanfeld* as to 20 Mark *per Annum* for his life out of the Hamper. [166] For *John Somerset*

Somerſet, Gentleman. [167] For Sir *Edmond Hampden*, Queen's Carver, as to ſome Herbage in a Park, which did not exceed 50 Shillings *per Annum*, and as to an Annuity of 20 *l. per Annum*. [168] For *Tho. Parker*, Eſq; as to his Grants not exceeding 24 *l. per Ann.* for Life. [169] For *Tho. Pope*. [170] For *Tho. Bird*, Serjeant at Arms, as to his Wages and Cloathing. [171] For *John Daindeſey*, King's Servant. [172] For *John Skelton* as to Two Annuities, one of 20 *l.* another of 10 Mark for his Life. [173] For *John Faceby*, Serjeant at Arms, as to his Office and Sallary. [174] A Saving to the Town of *Beaumaris*, as to 20 *l. per Ann.* granted for its Walling. [175] For *Walter Bright*, Serjeant at Arms, as to his Office, Cloathing and Wages. [176] For *Johanna Aſtley*, the King's Nurſe, as to Two Annuities for her Life, amounting in the Whole to 50 *l. per Ann.* [177] A Saving to the City of *Cheſter*, as to a Releaſe granted to 'em for 50 Years of 50 *l. per Ann.* part of their Fee-farm Rent. [178] For Sir *John Forteſcue*, Chief Juſtice of the *King*'s *Bench*. [179] To *Thomas Brown*, as to 12 *l. per Ann.* for his Life. [180] For *Henry Abyndon*, Clerk of *Eaton* College, as to 8 *l. per Ann.* [181] For *Henry Vavouſor*, for ſome Grants

which are expreſs'd. [182] For *Tho. Derwent*, Serjeant at Arms, as to his Office and Fee of 12 *d. per Diem.* [183] A particular, and then a general Saving for *King*'s-*Hall* in *Cambridge*. [184] A Saving for the Abbot and Covent of St. *Albans*, as to Franchiſes and Liberties. [185] For *Tho. Thorp*, as to his Grants, but 10 *l. per Ann.* Fee-farm Rent the King reſumes.

The Reader may obſerve from this Record,

1*ſt*. That the Crown was become indebted to the Subjects, in the Sum of 372000 *l.*

2*dly*, That the Crown-Revenue, which in the Reign of *Henry* the Fifth, was 56966 *l.* became reduc'd to 5000 *l. per Annum*, ſo much had the Crown been robb'd and pillag'd during the Minority of this Religious, but weak and unfortunate Prince.

3*dly*, That the Houſe of Commons thought it reaſonable to relieve the King's Neceſſities out of his own, and by an Act of Reſumption, rather than to charge the People with new Duties and Impoſitions.

4*thly*, That the Houſe of Commons thought it reaſonable to make the Act ſo general, that they inſerted only Six-

teen

teen Reſervations or Saving for others, ſo much did they conſult the Publick more than any private Intereſt.

5thly, That the Commons deſire the King to appropriate to the Expence of his Houſhold the Lands ſo reſum'd.

6thly, That the King when he gave the Royal Aſſent to this Act, reſerv'd to himſelf the Power of putting in Writing, while the Parliament ſate, certain Moderations and Reſtrictions to the ſaid Act, and the King in the ſaid Aſſent, excepts all Grants made as to *Calais* and *Ireland*.

The Writer of theſe Papers thought his Labour would not be unprofitably ſpent, to give an Abſtract of the Reſtrictions and Moderations, which the King's Council believ'd at that time neceſſary in an Act, which was to be ſo very general and extenſive.

In theſe Savings, which are in Number 185, the Reader has before his Eyes a perfect Image of the Gravity, Care, Exactneſs and Frugality of that Age.

Moſt of the ſaid Savings relate to Patents for Employments, or for Lands rather reſtor'd than granted, or for ſome Liberties and Franchiſes, or for Lands given to Religious Uſes, all which were affected by the Act. In ſome of the Proviſo's

viſo's, the Value of the Grant is mention'd, and in others omitted; but the general Exactneſs, which runs through the Whole, is a Mark, that where the Value is not expreſs'd, 'twas notoriouſly inconſiderable. In many of the Savings there is ſomething left and ſomething taken away. The Reader may likewiſe note, That moſt of the Grants of that Age were only for Life.

Note.] In this Writing of Reſtrictions the King receeds from the Exception he made, as to *Calais*, when he gave the Royal Aſſent. [As in Saving 164.]

Note.] That the Great Earl of *Shrewſbury*, who had done ſo many Heroick Actions, and had ſo valiantly fought for the Honour of his Country, had but 100*l. per Annum* Penſion for his Life, and ſome Lands in *Ireland*, then of no value, the ſaid Earl having had no other Recompence for his long Services, which Moderation of his is a Reproach to the Avarice of the preſent Times, [*vide* Saving 26.]

Anno 29. *Hen.* 6. There was another Reſumption made. The Preamble agrees almoſt Word for Word with the fore-mention'd Act; but the Acts differ when we come to the following Paragraph.

'And

'And that all Lettres Patentes by you 'made, in, or of any of the Premiſſes, to 'any perſone or Perſones, of the which 'any Recoverer hath been hadde ayents 'the ſaid Patentees, or any other, by Co- 'vin or Colluſion, that as well the Re- 'coverer thereof, as the Letters Patentes, 'be void and of noon effecte; And over 'that like it youre Highneſſe to take, re- 'ſume, ſeiſe and reteign in youre ſaid 'Handes and Poſſeſſion all Manner of 'Libertees, Privileges, Franchiſes, Hun- 'dredes, Wapentakes, Letes, Rapes, 'viewe of Franke plege, Sheref Towrnes, 'Sheref Gildes, Amerciaments,, Iſſues 'and Profites of the ſame, by you gran- 'ted ſyth the firſt Day of youre Reigne, 'to oney Perſone or Perſones, Abbot, 'Priour, Deane, Chapetre, Maiſtre, War- 'deyn of Collage, Fraternite, Crafte, 'or Gilde, and all Maner ſuch Grantes, 'to be voide and of noon Effecte. Ex- 'cept ſuch Libertees, Privileges, Fran- 'chiſes, Hundredes, Wapentakes, Letes, 'Rapes, viewe of Franke plege, Sheref 'Towrnes, Sheref Gildes, Fyues, Amer- 'ciaments, Iſſues and Profites of the ſame, 'and all other Libertees, Privileges, 'Franchiſes and Immunities, as ye have 'graunted to the Provoſtes and Scolers 'of youre Collages Roial, of our Lady

Rot. Parl. 29 *H.* 6. No 17.

'and Seint *Nicholas* of *Cambrigge*, nor to 'youre Provoſte and Collage Roial of our 'Lady of *Eaton*, and to theire Succeſſours. And foraſmoch as it is thought 'to us youre humble and liege People of 'this youre noble Roialme, comen to 'this youre high Courte of Parlement, 'by youre Auctoritie Roial, that certaine and diverſe Libertees, Privileges, 'Freedomes, Fraunchiſes and Immunitees, by you to the Provoſtes, Scolers, 'and to the Provoſte and Collage and 'theire Succeſſours of youre Collages 'of *Eaton* and *Cambrigge* granted, been 'to youre Highneſſe prejudicial and over 'chargefull and nyous unto youre People 'of this youre Roialm.

'Pleaſe it therefore youre moſt High 'and Roial Mageſte to ordeyne and appointe by youre high Wyſdome and 'Diſcetion, that all Grauntes, and Actes 'of ſuch Libertees, Privileges, Freedomes, Franchiſes and Immunitees, 'as been to you prejudicial and overchargefull and nyous unto youre Peo'ple of this youre Roialme be voide and 'of noon Effecte. Wherof we youre 'true Comyns in the mooſt lowly wyſe 'that we can thinke, biſeche youre 'mooſt habundant Grace, to have Knowlech duryng this your ſaid Court of Par-

'lement

'lement for our ſpecial Releif and Com-
'fort: And over that, all the Grantes
'or Releaſes made by you ſyth the firſt
'Day of youre Reigne to oney Abbot,
'Priour, Covent, or oney other Perſone
'or Perſones of diſcharge or quiet Clayme
'of oney Corrodie or Corrodies, Pen-
'ſion or Penſiones, Diſmes Spirituels
'or Quinſziſmes or Diſmes Temporels
'or of Diſcharge or quiet Clayme of oney
'Rentes of Fee or Services of Fee be voide
'and of noon Effecte, this Act and Peti-
'tion of Reſumption to begynne and
'take Effecte the firſt Day of youre Par-
'lement holden at *Weſtminſter* the 28th
'Yere of youre Reigne, that all Man-
'ner of Grauntes by you made or to be
'made of oney of the ſaid Honours, Ca-
'ſtelles, Lordſhipps, Towns, Town-
'ſhipps, Mannors, Londes, Tenements,
'Waſtes, Rentes, Reverſions, Fees, Fee-
'farmes, and Services with all their Ap-
'purtenanees or oney Diſcharge or quiet
'Claime as is above reherced from the
'1ſt Day of the Parlement holden at
'*Weſtminſter* the 28th Yere of youre
'Reigne unto the laſt Day of this youre
'preſent Parlement be voide and of noon
'Effecte. And if oney Perſone or Per-
'ſones atte oney Tyme after the firſt Day
'of this youre Parlement accepte or pur-

'chace youre Lettres Patentes of oney of
'the ſaid Honours, Caſtelles, Lordſhippes,
'Townes, Townſhippes, Mannors,
'Londes, Tenementes, Waſtes, Rentes,
'Reverſions, Fees, Feefermes and Ser-
'vices with all theire Appurtenances, or
'oney Diſcharge or quiet Clayme as is
'above reherced of oney of the Premiſſes
'or oney other Poſſeſſions of Fee or of
'Free-holds that ſhuld growe to you in
'Tyme comynge by way of Forfeiture
'or otherwyſe. But if it be ſo that thooſe
'Letters Patentes paſſe by Advyſe and
'Aſſent of youre Chancellour and youre
'Treſorer of *Englonde* Prive Seale and Six
'Lordes of youre grete Counſeil for the
'Tyme beyng and that they and itch of
'theym ſubſcribe in ſuch Lettres Patentes
'theyre Names. And that the ſeide
'Letters Patentes ſo ſubſcribd be enrolld
'in your Chancellerie of Record. And
'if oney Perſone or Perſones accepte or
'purchaſe youre Letters Patentes of oney
'of the Premiſſes otherwyſe, forfette un-
'to you our Soveraigne Lord all his Londs
'and Tenementes, that he or oney Per-
'ſone or Perſones have to his Uſe atte the
'Tyme of ſuch Letters Patents made,
'or oney Tyme after ſhall have in Fee
'ſimple holden of you, immediately to
'you. And all other Londes and Tene-
'ments

'ments that they ſo ſhall holden of other
'Perſones, to them that they ſhall hold
'of immediately, and the ſame Letters
'Patentes to be voide and of noon Effecte.
'And that no Perſone or Perſones that
'hadde oney thyng of the Premiſſes a-
'fore the Tyme of the ſeid Reſumption
'be not chargeable by way of Accompt or
'otherwyſe for the ſame ayents you youre
'Heires and Succeſſours, except thoo that
'by youre Grantes afore the ſaid Reſum-
'ption were accomptable. And that by
'Auctorite of this Parlement every of
'youre Liege Men, that hath yeven or
'graunted oney Londes, Tenementes,
'Rentes, Advowſons, or other Poſſeſ-
'ſions to you, or to oney other by youre
'Deſire, for oney other Londes, Tene-
'ments, Rentes, Advowſons, or other
'Poſſeſſions by you graunted, or by oney
'other by youre deſire, ſyth the firſt
'Day of youre Reigne, that they ſhall
'be now alyve, and theyre Heires and
'the Succeſſours of theym that been
'dede, may entre, have and enjoye all
'ſuch Londes, Tenementes, Rentes, Ad-
'vowſons, and other Poſſeſſions ſo yeven
'and graunted in lyke wyſe and fourme,
'as theyre Aunceſtors, or Predeceſſoures
'hadde theym afore ſuch Graunte or
'Eſtate made of theym. And that A-
'verment

'verment in this Case may be hadde, admitted and received by this seid Auctorite, for every Partie that so shall entre into, have or enjoye oney of the Premisses by theyre surmyse, that the seid Londes, Tenementes, Rentes, Advowsons, or other Possessions that they shall so entre in, have or enjoye, were yeven or graunted for other Londes, Tenementes, Rentes, Advowsons, or other Possessions that they graunted to you, or oney other at your Desire. Notwithstanding, that in noo Letters Patentes by you made, nor in such Gifts made to you, or by any other by youre desire mention be made thereof. So that such Londes, Tenementes, Rentes, Advowsons, or other Possessions were not rightfully in youre Possession in Fee afore such Yiftes or Grauntes, as it is above reherced, saving to every Persone theyre Right, Title and Interest in any of the Premisses other than they theyre Aunceστoures or Predeceσσours hadde, by Force of youre Letters Patentes, so that thereof hath been had no Recoverer by Covyne and Collusion.

The House of Commons judg'd it reasonable to make some Exceptions, or Proviso of Savings to certain Interests; they are in Number Thirteen, and much of

of the ſame kind as the Savings in the Act that paſs'd the Year before. Then follows.

'And for as moch as it is pleynly and 'univerſally conceyved throughoute all 'this youre Roialme, that the good 'ſpede of this Acte of Reſumption ys to 'you full, honourable, neceſſarie and be-'hovefull, and to all youre liege People 'comfortable and grete releiſe of theire 'Povertee, the which they been in for 'many unportable Charges leyed upon 'theym afore this tyme, for that the ſeid 'Reſumption afore this tyme hath not be 'effectually had. We youre true, hum-'ble Obeiſant and faithful liege People, 'comyn for the comen of this youre no-'ble Roialme, to this youre high Courte 'of Parlement, by youre Autorite Roiall, 'in the mooſt lowly wiſe to us poſſible, 'beſeechen youre moſt Noblaye, graci-'ouſly and tenderly to conſidre the grete 'Benefites that ſhuld growe unto you, 'and to this your Roialme, by the Meane 'of this Reſumption. That it pleaſe there-'fore your mooſt habundat Grace, that 'the ſeid Reſumption may take good and 'effectual Concluſion, whereof we youre 'ſeid humble liege People, undre the Fa-'voure of youre high and mooſt noble 'Grace, may have knowlech during this

'youre

'youre ſeid Parlement, for youre ſingu-
'lar Wele and ſpecial Comfort and Con-
'ſolation of us, and all thoo that we
'come fore.

Reſp. 'As for anſwere of the Petition
'and requeſt of Reſumption made to the
'Kyng by the Commons of this his pre-
'ſent Parlement aſſembled, His Highneſs
'wol that they know, That by thadvyſe
'and aſſent of the Lordes Spirituell and
'Temporel, beyng in the ſame Parle-
'ment, and by the thauctorite of the
'ſame Parlement His Excellence is agreed
'to reſume and reſumyth into his Hands
'and Poſſeſſion all Honoures, Caſtels,
'Lordſhipps, Towns, Townſhipps, Ma-
'ners, Londes, Tenementes, Waſtes,
'Rentes, Reverſions, Fees, Fee-fermes
'and Services, with all theyre Appurte-
'nances in the which he had Eſtate in
'Fee, in *England*, *Wales*, and in the
'Marches thereof, *Irlond*, *Guyſnes*, *Ca-*
'*lais*, and in the Marches thereof, the
'which his Highneſs hath graunted
'by his Lettres, Patentes, or otherwyſe
'ſyth the firſt Day of his Reigne. And
'all the Honoures, Caſtels, Lordſhipps,
'Townes, Towneſhipps, Maners,
'Londes, Tenements, Waſtes, Rents,
'Reverſions, Fees, Fee-ferms, and Ser-
'vices, with all their Appurtenances,

'the

'the which were of the Dutchie of *Lan-*
'*caſtre*, and paſs'd from his Highneſſe by
'his Graunt or Graunts. And he to have
'all the Premiſſes in and of like Eſtate as
'his Excellence had theyme at the tyme
'of ſuch Grantes made by hym of theym.
'And that all Lettres Patentes, or
'Grauntes by his Highneſſe, or by any
'other Perſone or Perſones at his re-
'queſt or deſire made to any perſon or
'perſons of the premiſſes, or of any of
'theym in that, that is of any of the pre-
'miſſes be voide and of noo force. And
'over that, that all manere of Grauntes
'of Rentes, Charges or Annuities made
'by the Kyng's Highneſſe of Eſtate of En-
'heritance, or for Term of Life or Term
'of Yeris, or at the Wille to any perſone or
'perſons to be taken of any of theſe Pre-
'miſſes, or of any other of his Poſſeſſions,
'or of his Cuſtumes or Subſidies, or Aw-
'nage, or of his Hamper, or at, or in his
'receite, or in otherwiſe, or in any other
'place, or in any of theym, or of the
'profites, comyng of theym, or any of
'theym within this his Roialme, *Irlond*,
'*Wales*, *Guyſnes*, *Caleys*, and Marches
'of the ſame be void and of non effecte.
'And that all Manner of Grauntes made
'by His Highneſſe to any Perſone or Per-
'ſones of Eſtate of Inheritaunce terme of
'Life

'Life or terme of Yeris or at his Wille
'of any Herbage or Pannage, Fiſhing, Pa-
'ſture or Comyn of Paſture, Wareyn,
'Wode, Wyne, Clothyng, Furres to
'non Office longyng nor perteynyng
'the ſeid firſt Day of his Reigne nor a-
'fore not yeldyng to his Highneſſe the
'verray Value therof nor doyng any
'Charge to His Highneſſe therof to the
'Value therof be voide and of non Effecte.
'And that all Lettres Patentes by His
'Highneſſe made, in, or of any of the
'Premiſſes to any Perſone of the which
'any Recovere hath been hadde ayenſt
'the ſeid Patentes or any other by Co-
'vyne or Colluſion that as well the Re-
'coverer therof as the Letters Patentes
'be voide and of non Effecte. And over
'that that all the Graunts or Releſſes
'made by His Highneſs ſyth the firſt
'Day of his Reigne to any Abbot, Pri-
'our, Covent, or to any other Perſone
'or Perſones of Diſcharge or quiet Clayme
'of any Corrodies or Corrodie, Penſions
'or Penſion, Diſmes Spirituels or Quin-
'ziſmes or Diſmes Temporels or of Diſ-
'charge or quiet Clayme of any Rents
'of Fee or Services of Fee be voide and
'of non Effecte. And over that it liketh his
'Highneſs to take, reſume, and ſeiſe in
'his ſaid Handes and Poſſeſſion all man-
'ner

'ner Libertees, Privileges, Fraunchiſes,
'Hundredes, Wapentakes, Letes, Rapes,
'viewe of Fraunkplege, Shirrif Towrnes,
'Shirrif Gildes, Fines, Amerciaments,
'Iſſues and Profites of the ſame by his
'Highneſſe graunted ſith the firſt Day
'of his Reigne to any Perſone or Perſones
'or Abbot, Priour, Dean, Chapitre,
'Maiſtre or Wardeyn of College, Fra-
'ternitee, Crafte or Gilde, and all Man-
'ner ſuch Grauntes to be voide and of
'non Effect. Except ſuch Libertees,
'Privileges, Fraunchiſes, Hundreds, Wa-
'pentakes, Letes, Rapes, view of
'Fraunkplege, Shirrif, Towrnes, Shir-
'rif Gildes, Fines, , Amerciaments,
'Iſſues and Profites of the ſame, and
'all other Libertees, Privileges, Fraun-
'chiſes and Immunitiees that his High-
'neſſe hath graunted to the Provoſtes and
'Scolers of his Collage Roial of our Lady
'and St. *Nicholas* of *Cambrig*; or to the
'Provoſte and Collage Roial our Lady
'of *Eaton* and to theyre Succeſſoures.
'This Acte and Petition of Reſumption
'to begynne and take Effecte atte the
'feſte of Thannunciacion of oure Lady
'in the Yere of his Reigne XXIX. And
'that all maner of Grauntes by his High-
'neſſe made of any of the ſeid Honours,
'Caſtels, Lordſhipps, Townes, Town-
'ſhipps,

'ſhipps, Manoires, Londes, Tenementes,
'Waſtes, Rentes, Reverſions, Fees,
'Feefermes and Services with all theire
'Appurtenaunces or any diſcharge or qui-
'et Claime as it is above reherced du-
'ryng this preſent Parlement be from the
'ſeid Feſt of our Lady voide and of non
'Effect. And as to the Proviſions and
'and Exceptions conteigned in the ſeid
'Petition of Reſumption his Highneſs
'theym accepteth and the ſame agreeth
'forth, with other Proviſions and Excep-
'tions by hym by thadviſe of the ſeid
'Lordes, Spirituels and Temporels be-
'yng in this ſeide Parlement put in wri-
'tyng as the Tenours of theym hereafter
'folowen,

The Moderations or Savings put in Writing, as afore, are in Number Forty Two, and are much of the ſame Nature as thoſe in the Act of the 28th of the ſame King, only there is here a more expreſs Saving for thoſe who had *bona fide* purchas'd of the Crown for a valuable Conſideration. And there is a general Saving for Offices, and the accuſtomed Fees thereunto belonging.

'And as to the Remanent conteyned
'in the ſeid Petition of Reſumption, not
'ſpecified in this his Anſwer,

Le Roy Aviſera.

Note.]

Note.] That here the Lands of *Ireland* are reſumed.

But as to the Fees belonging to Offices, the Point was farther clear'd in an Act of the 31ſt *Hen.* VI. *Chap.* 7. which is in the printed Statutes.

Anno 33. *Hen.* VI. there paſs'd another Act of Reſumption.

'Prayen the Commons in this preſent 'Parlement aſſembled, that where the 'Victorious Prince of moſt noble Me-'morie, your Fader, whom God reſt, 'and other your noble Progenitours, 'maintain'd as worſhipfull, noble and 'honourable eſtate of their Houſehold 'in this Lond of the Revenues thereof 'as hath oney King or Prince in oney 'Lond Chriſtenned to the Eaſe and reſt 'of the People of the ſame, without a-'grugyng for lak of Paiment therefore, 'ſuch as cauſed all other Londes to have 'this youre ſeid Lond in worſhipfnl re-'nowne, and as grete drede as oney 'Lond chriſtenned. *Rot.* Parl. 33 *H.* 6. No 47.

'And notwithſtanding the grete and 'large Grauntes of Godes, that by youre 'true People of this Londe hath been 'often tymes geven of true love and 'feith, tender Zele and Affection unto 'youre ſeide Highneſſe, ye be indebt-'ed in ſuch outragious Somes as be not

‘ eaſy to be paied, which by Godde
‘ Law, and eſchewyng his Diſpleaſure
‘ owe to be paied and contented; and
‘ that furthermore, the Revenues of the
‘ ſeid Londe to youre Highneſſe nowe
‘ belongyng mowe not ſuffice to kep
‘ and ſuſteyne your honourable Houſe
‘ hold, which not onely, but alſo your
‘ other ordinarie Charge mot be kep
‘ and boron worſhipfully, as it accord
‘ eth to the Honour of youre Eſtate
‘ and youre ſeide Londe, if youre Ad
‘ verſaries and Enemies ſhuld fall in
‘ the drede, wherein heretofore the
‘ have been, and ſhall with Godde
‘ Grace, be of youre mighty Regal
‘ and of youre ſeid Lond, whereof yo
‘ People lament and ſorrow petiouſl
‘ and hevely the amennſyng of th
‘ worſhip and proſperite, wheryn
‘ hath joyed, and ben reputed in th
‘ days heretofore, now the refuſe of
‘ other Londes reputed, agrugyng al
‘ right hevely the Charge that hath be
‘ born, and dayly is born among they
‘ of Vitaille and other Charges in
‘ youre ſeid Houſehold, and ordinar
‘ Charges whereof they been not pai
‘ to theyr grete loſſe and hurt, whic
‘ they mowe not of oney reaſon on
‘ longer ſuſteyne.

'It pleaſe you by thadvyſe aud Aſſent of the Lords Spirituel and Temporel, in this preſent Parlement aſſembled, and by auctorite of the ſame, for the Conſervation and Supportation of youre ſeid Eſtate, which firſt to Goddes pleaſure, ſecundarie for youre own Suerte, Honour and Wele; and for the third, for the univerſal Wele, Eaſe, Reſte and Suerte of this Lond, the which ye owe to preferre afore the favour of oney Perſone, or oney Place, or other Thyng erthly, and to thentent that youre ſeid Enemies from whoſe knowlege the penurie of youre ſeid Houſehold, and the Cauſe thereof, and alſo the agrugying therfore of youre ſeid People had is not hidde, whereof without dout they take a grete Courage and bouldneſſe ayenſt youre ſeid Lond mowe falle from the ſeid Courage into rebuke, and have youre ſeid Lond and People in ſuch drede as heretofore in the days of you and of youre Progenitours they have hadde, to take, ſeiſe, have, reteyne, and reſume into youre hands and poſſeſſion from the Feſt of Seint *Michel*, tharch angel next comyng, all Honours, Caſtells, Lordſhips, Townes, Townſhipps, Maners, Londs, Tenementes, Waſtes, Foreſtes, Chaſes,

'Rentes, Reversions, Fee-fermes, Ser-
'vices, Issues, Profites of Countees, Ad-
'vowsons of Priores, Churches, Ho-
'spitals, and of free Chappel, and all
'other Revenues, with theyr Appurte-
'nances, pass'd from you syth the first
'day of youre Reigne, and by you
'graunted by youre Letters Patentes
'by Authorite of Parlement, or in oney
'other wyse by youre Grantes, Con-
'firmations, or Relesse in Fee-simple
'Fee-taille, terme of Lyfe or terme o
'Yeris, to oney persone or persones i
'*Englond*, *Wales*, or in the Marche
'thereof, in youre Londe of *Irelond*
'*Guysnes*, *Calais*, or in the Marches ther
'of, or in *Scotlond*, or in the Este o
'Weste Marches of *Englond*, towar
'*Scotlond*.

'And also to take, resume and re
'teigne into youre hands from the sei
'Fest, all the Honours, Castells, Lord
'shipps, Maners, Londes, Tenementes
'Wastes, Rentes, Reversions, Fee-ferme
'and Services, with all theyre Appur
'tenances which were of the Dutchie o
'*Lancastre*, and pass'd from you by youre
'Grauntes, Confirmation or Relesse, or by
'Auctoritie of Parlement, or wherof oney
'persone or persones were seised to youre
'use, or to the use of your seid Fadir, o
'to

'to the performing of youre or his Will,
'ye to have, hold and reteyne all the
'Premiſſes in and of like ſtate, fourme
'and condition as ye, or oney other to
'youre Uſe, or to the Uſe of youre ſeid
'Fadir, or to the perfourmyng of his
'or youre Will, hadde theym atte the
'ſeid firſt day, or oney tyme ſyth oney
'Acte or Ordenaunce by Parlement, or
'oney manere of Letters Patentes,
'Grauntes or Eſtates by you, or oney
'other perſone or perſones of oney of
'the Premiſſes in oney wyſe made to, or
'for oney Perſone or Perſones at youre
'requeſt or deſire, or otherwyſe not-
'withſtanding. All Offices of youre ſeid
'Dutchie, ſuch as the ſeid firſt day
'were Offices there, and the *Fees*, Wages
'and Rewardes than as afore to theym
'had accuſtomed or apperteignyng ex-
'cept.

'And over that, that all Manere of
'Graunts of *R*entes, *R*ent-charges, An-
'nuities, Some or Somes of Money, by
'you or oney other Perſone ſyth the ſeid
'firſt day made of Eſtate of Enheritaunce,
'or terme of Lyfe, or terme of Yeris
'to oney Perſon, or otherwyſe to be ta-
'ken or hadde in or of oney of the Pre-
'miſſes, or of oney of youre Cuſtumes,
'Subſidies, Awnage, or of the Profites

'and *Revenues* of youre Hanaper com-
'yng, or at or in the receite of youre
'*Exchequer*, or in oney other Place with-
'in this youre ſeid *Realm*, or in the ſeid
'Lond of *Irelond*, or within *Wales*,
'*Guyſnes*, *Caleys*, or the Marches ther-
'of be from the ſeid Feſt void and of
'noon effecte, to have, hold, or occu-
'pie from thenceforthe oney of the Pre-
'miſſes.

'And that all Manere of Grauntes or
'Releſſes by you ſyth the ſeid firſt day
'made to oney perſone or perſones of
'oney Eſtate of Enheritaunce, terme of
'Lyfe or terme of Yeres, or otherwyſe
'of oney of the Premiſſes, or of the
'keepyng of oney of them, or of oney
'of youre Goales, or of oney Herbage
'or Pannage, Fiſhing, Paſture or Comyn
'of Paſture, Wareyn, Wode, Wax,
'Wine, Clothing, Furres, Annuities,
'Fee, or oney Wages for doyng or oc-
'cupying oney Office or Charge, and in
'noon ſuche Office or Charge the ſeid
'firſt day due accuſtomed belongyng or
'apperteyning be void and of noon ef-
'fecte.

'And furthermore to ordeyne by
'thadvyſe, aſſent and auctoritie afore-
'ſaid, that all Grauntes made by you
'to oney perſone or perſones of oney

'Office

'Office or Offices which were noon Of-
'fice or Offices the firſt day of youre
'ſeid *R*eigne or afore, be voide and of
'noo force.

'And that all manere of Grauntes by
'you, or oney other Perſone or Perſones
'ſyth the ſeid firſt day, to oney Perſone
'or Perſones made, whereby the ſame
'Perſone or Perſones to whom oney ſuch
'Graunte or Grauntes be made, ſhuld
'graunte or have power to graunte oney
'Prebende or Prebendes, Churche or
'Churches, Hoſpital or Hoſpitals, fre
'Chappel or fre Chappels, or oney ma-
'nere Collecion, Office or Offices to
'to oney Officer, to make the Yeft or
'Preſentation of which Prebend or Pre-
'bendes, Churche or Churches, Hoſpi-
'tal or Hoſpitals, fre Chappel or fre
'Chappels, Collecion, Office or Offices,
'or of the makyng of the ſeid Officers
'the ſeid firſt day, or oney tyme ſyth be-
'long'd to you be void and of noo force
'nor effecte, to thentent that of ſuch Of-
'fices and other the Premiſſes, it mowe
'pleaſe you to reward youre Servauntes
'menial; furthermore, that all manere of
'Grauntes by you made, to oney per-
'ſone or perſones of oney Office or Of-
'fices which wore Offices the ſeid firſt
'day or afore, and to theyme belongeth

'and needeth actuel Exerciſe, or of the
'fee or Wages therto belongyng to have
'in fee Simple or in fee Taille, in oney
'wyſe be of noo force nor effecte, but
'onely terme of lyfe of hym or theym
'that oney ſuch Grauntes be made un-
'to. And that all the Grauntes of ſuch
'Offices as that noble and worthy Prynce
'*Humphrey*, late Duke of *Glouceſtre*, youre
'late Unkle, whom God reſt, had and
'occupied of youre Graunte, the which
'Offices were by youre Highneſs to
'oney perſon or perſones graunted in his
'lyfe to have after his deceſſe or Deth
'be voide and of noon effecte. And that all
'manere of Grauntes by you, or by oney
'other perſone or perſones by your grete
'Seal, Prive Seale, or Seale of your
'Duchie of *Lancaſtre* ſyth the ſeid firſt
'day made of oney Sherefwycke, or
'oney Office of Sherefwycke, or of oney
'Eſchete, or of oney Office of Eſche-
'tour, Clerke of the Peas, or of oney
'Baillifwycke or Wapentake to you be-
'longyng, for terme of lyfe or terme of
'yeris, to oney perſone or perſones, be
'voide of noon effecte. And alſo, that
'all Grauntes and *R*eleſſes made to you
'to oney Abbot, Priour, or oney other
'Perſone of diſcharge, releſſe, or quiet
'clayme of oney Corrodies or Corrodie,
Penſion,

'Penſion or Penſions, Diſmes Spirituel, 'or Quinſziſmes or Diſmes Temporell, or 'of the Colleccions of the ſame Rentes or 'Services, or of the Payment of oney 'Knyghtes Spence for comyng to your 'Parlement be voide and of noon Ef-'fecte.

'*Item*, That all Grauntes made by 'you by youre Letters Patentes, or other-'wyſe to oney perſone or perſones to be 'Juſtices of youre Benche or of the com-'mon Benche within youre Lond of '*Irelond* or of the Office of Keeper of the 'Rolls of Chancery of the ſame Lond 'for terme of Lyfe be voide and of noon 'Force nor Effecte. And alſo that all 'Graunte or Grauntes by you made to 'oney perſone or perſones of oney Office 'or Offices, wherupon no Charge hangeth 'nor nedeth to be of actuel Exercyſe or 'Occupation be voide and of noo Force 'nor Effecte. And alſo by the ſeid Ad-'vyſe Aſſent and Auctority ye will 'graunte, ordeyne and eſtabliſh that e-'very perſone that hath any Caſtells, 'Manours, Londes, Tenementes, Rentes, 'Services, Commoditees, Advowſons, 'Poſſeſſions, or oney Enheritaments to 'you or to oney other perſone or Body 'Corporate to youre or oney of theyre 'Uſe at youre Deſire or Contemplation

'for

'for oney Rentes, Annuites, Summes of
'Money or Thyng that ſhuld or myght
'have be taken or had of oney Cuſtume
'or Subſidies in oney youre Portes with-
'in this youre Realme, or in or at the
'Receite of youre Eſchequer if no Yifte
'of Exchaunge nor Recompence for
'oney Thynge be hadde, be made, may
'have immediatly and have, reteyne, kepe,
'entre and enjoye peaſebly without oney
'Suite or yit Lett or Diſturbance of you
'youre Heires or oney other from the
'ſeid Feft as well all the ſeid Manours,
'Londes, Tenements, Rentes, Advow-
'ſons, Poſſeſſions and Enheritaments,
'with theyre Appurtenaunces in oney
'wyſe ſo given to you or to oney perſone
'or Body corporate at youre Deſire or
'Contemplation by him or his Aunceſt-
'res, or by him, or hir or theyr Predeceſ-
'ſours, or by thoo whos Eſtate oney ſuch
'your Leiges hath or hadde in the Londes,
'Tenementes, *R*entes, Poſſeſſions or
'Enheritaments taken of you in Ex-
'chaunge as the ſeid *R*entes, Annuites,
'and Summes of Money that he ſhuld
'or might have hadde of oney Cuſtomes
'or Subſidies, or att your *R*eceite afore-
'ſeid if no manere of Exchaunge nor *Re*-
'compence had be taken of you ther-
'fore by hym nor by noon his Annceſt-
'ours

'ours or Predeceſſours in like Manere, 'Fourme and State as though no ſuche 'Graunte or Eſtate of Exchaunge or *Re*-'compence had be made.

'So alwey that the Manours, Londes, 'Tenementes, *Rentes*, Annuitees, Ad-'vowſons, Sommes of Meney and En-'heritaments afore reherced geven to you 'or to oney other perſone or body cor-'porate, or leſte to be take for oney of the 'ſeid Exchaunge or *Recompenſe* were 'not youres ne noon other perſone or 'perſones to youre Uſe the firſt Day of 'your noble *Reigne* nor after ſave onely 'by reaſon of the Yefts, Grauntes or 'Cauſe aforeſeid. Except and forpriſed 'oute of this *Acte* of *Reſumption* all the 'Caſtells, Manours, Londes, Tene-'mentes, *Rentes*, Services, Poſſeſſions 'and Enheritaments with theire Appur-'tenaunces, wherof every perſone or per-'ſones have had reſtitution by Auctorite 'of Parlement, *Reſtitution* by the Cours of 'the Comyn Law.

Then the Houſe of Commons made ſome few Savings, in Number Twelve, which are much of the like Nature of thoſe in the Two former Acts. Then follows.

'And

'And for as moche as it is pleinly and 'univerſally conceived through all this 'your Reame, that the good Spede of 'this Acte of Reſumption is to you full 'honourable, neceſſarie and behovefull 'and to all youre Liege People comfor-'table and grete Reliefe of theire Pover-'tie which they been in for many un-'portable Charges leid upon theym be-'fore this Tyme for that the ſeid Re-'ſumption afore this Tyme hath not be 'effectuelly hadde. Wee youre humble, 'true, obeiſaunt and feithfull people co-'men for the Comyn of this yonre Reame 'and to this youre high Court of Par-'lement by youre Auctorite Roial in 'the mooſt lowly wyſe beſeche youre 'mooſt noblaye, graciouſly and tender-'ly to conſider the grete Benefites that 'ſhuld growe unto you and this youre 'Reame by the meane of this youre Re-'ſumption, that it pleaſe youre Highneſſe 'that if ſo be that ye like by thadviſe 'of youre Lordes ſpirituell and temporell 'in this preſent Parlement aſſembled to 'make oney proviſions or Exceptions o-'ther then be conteynd in this our Peti-'tion, that then the ſeid proviſions and 'Exceptions be ſende down unto us to 'that Ende that we may give oure Aſ-'ſentes therto, if it be thought to us ex-'pedient

'pedient and behovefull. And that by 'the ſame auctorite it be ordeyned that 'if oney of youre liege people after the 'ſeid Feſt of St. *Michel* take and receive 'youre Graunte or Grauntes of oney of 'the Premiſſes except before excepte 'then he or they as oft as he or they that 'ſo take and receive renne into the Pe-'nalte of the Statutes of *Proviſours*. And 'over that, that he or they that ſo take or 'receive oney ſuch Graunte or Grauntes 'excepte afore excepte contrarie to this 'our Deſyre forfaite a M. Marks as oft 'as they ſo take or receyve, wherof the 'oon half to be forfaited to you and that 'to be applyed to the contentyng of the 'Wages of the Souldeours of *Caleys*, and 'that other half to hym that will ſue. 'And he that will ſue yerfore may have 'an Action of Dette agenſt oney ſuch 'perſone or perſones, and ſuch Proceſs 'theryn as lyeth in an Action of Dette 'at the Comyn Lawe, and that the De-'fendantes of ſuch Suites ſhall not be 'eſſoyned wage theyre Law, nor beg 'Protections in delay of the ſeid Suites. 'All Grauntes to be made by youre 'Letters Patentes by the Bille of the 'Treſorer of *Englond* for the tyme be-'yng of oney of the Premiſſes.

'And

'And alſo all Grauntes to be made of 'old Offices, which were Offices the 'firſt day of youre *R*eigne, to the 'which belongeth and needeth actuel 'Exerciſe and Fees, and Wages the ſame 'firſt day to the ſame Offices perteyn-'yng or belongyng, except out of the 'ſeid *P*eynes. And that no ſuch perſone 'to whome oney Leſſe or Leſſes Graunte 'or Grauntes ſhall be made after the ſeid 'Feſt for terme of Yeris or atte Wille of 'oney Thyng parcelle of the Duchie of '*Lancaſtre*, Erldome of *Cheſtre*, *P*rinci-'palete of *W*ales, *C*aleys and *G*uyſnes and 'the Marches therof, or of oney thyng to 'theym or oney of theym belongyng or 'apperteynyng be not hurt nor enda-'maggd by the penalty of this ſeid Acte.

Then follow Two Savings, one for the *P*rince of *W*ales, and another for *Richard* Duke of *Y*ork, as to ſome *P*atents they had.

Reſp. 'As touchyng this Petition of 'Reſumption the Kyng hath well con-'ceived and underſtood the Maters, Ar-'ticles and Deſyres conteyned in the 'ſame Petition; wherfore the Kyng by 'thadvyſe and aſſent of the Lords Spirituel 'and Temporell, beyng in this preſent 'Parlement, and by Auctorite of the 'ſame, taketh and reſumeth into his 'Hands all manner thyngs conteyn-

ed

'ed in the ſeid petition, and the ſame 'agreeth and accepteth, the *P*enalte in 'ſeid petition except and leid apart; 'alweye his *P*rerogative reſerved; for-'ſeyn alweye that ſuche proviſions and 'Exceptions as been by his Highneſſe, 'by thadvyſe of the ſeid Lordes Spiri-'tuel and Temporel made and agreed, 'or to be agreed; and in this ſame *P*ar-'liament put in Wrytyng upon the pre-'miſſes, be good and effectuel the ſeid 'Acte notwithſtanding for the Egalte 'and *R*eaſon that the Kyng ought to do 'to his people, the which ſhall be to the 'pleaſer of Godde, the Honour and the 'Wele of his Lond and *P*eople.

Then follow a great Number of Savings and Proviſions, all of 'em much of the ſame Nature with thoſe in the former Acts; and none of 'em ſeem ſuch as could any wiſe defeate the Deſigne of the *P*arliament, which was, that all immoderate Grants ſhould be actually reſumed.

But ſome may object, that *Henry* the Sixth, under whoſe *R*eign theſe Three *R*eſumptions were made, was a weak *P*rince, unfortunate Abroad, engag'd in Factions at Home, and kept under by the Power of the Houſe of *York*; whereunto

unto we anſwer, That it was the Intereſt of Great Men rather to oppoſe ſuch an Act, for they were moſt like to ſuffer by it; therefore its *Paſſing* was not the Effect of Faction, but, indeed, it was carry'd on by the Weight of the *People*. But theſe Objections will be more fully anſwer'd, when we ſhow that the ſame Thing was done by a *Prince*, who had maſter'd all *Parties*, and under an Active and Martial *Reign*, which was that of *Edw.* IV. his Succeſſor, where the *Preſidents* for a *Reſumption* are four times confirmed.

As ſoon as *Edward* the Fourth came to the Crown, one of the firſt Things deſired by his Subjects was an Act of *Reſumption*.

Rot. Parl. 1 *Edw.* 4. N° 11. —— 'And over that, that our ſeid 'Sovereign Leige Lord King *Edward* IV. 'the Fourth Day of *Marche* was lawfully 'ſeiſed and poſſeſſed of the ſeid Corone 'of *Englond* in his *Right* and Title, and 'from thenceforth have to hym, and hys 'Heires, Kynges of *Englond*, all ſuch 'Mannours, Caſtels, Lordſhippes, Ho-'nours, Londs, Tenements, *Rentes*, Ser-'vices, Fees, Feefermes, *Rentes*, Knyghts 'Fees, Advowſons, Gyftes of Offices to 'geve at his pleaſure, *Fairs*, Markets, 'Iſſues,

'Iſſues, Fines, and Amerciaments, Li-
'bertees, Franchiſes, Prerogatives, Eſ-
'cheates, Cuſtumes, Reverſions, Re-
'mainders, and all other Hereditaments,
'with theyr Appurtenances whatſoever,
'be they in *Englond*, *Wales*, and *Irelond*,
'and in *Cales*, and the Marches there-
'of, as Kyng *Richard* the 2*d*. had on the
'Feſt of Seint *Matthew* the Apoſtle, the
'23th Yere of his Reigne, in the Right
'and Title of the ſeid Corone of *Eng-*
'*lond*, and Lordſhippe of *Irelond*.

Reſp. 'The Kynge by thadvyſe and
'Aſſent of the Lords Spirituel and Tem-
'porel in this preſent Parlement aſſem-
'bled, at the Requeſt of the Comyns
'beyng in the ſame, agreeth and aſſen-
'teth to this Petition, and it accept-
'eth, with certain Moderations, Pro-
'viſions and Exceptions, by his High-
'neſſe thereupon made, and in certain
'Cedules written, and in the ſame Par-
'lement delivered, the tenor of which
'follows.

Then follow the Exceptions or Savings to particular Intereſts, which are in Number 85.

But this Reſumption looking ſo far backwards, as the Reigns of *Henry* the Sixth, *Henry* the Fifth, and *Henry* the Fourth, was too large to have any good

Effect: And as to its having been impracticable, and not well concerted, we have this Argument, that a new Act better digested, and which did not retrospect so far, was thought necessary, *Anno* 3. & 4. of the same Reign.

Anno 3 & 4. *Edw.* 4*ti.* There pass'd another Act of Resumption.

3 & 4 *Ed.* 4 *Rot. Parl.* No 39. —— 'At which day and place, for 'divers Causes and Considerations, con-'teynyng the Honour and Prosperite of 'the Kyng our Soverayne Lord, and al-'so the Commonwele, defence and wel-'fare of this Reame, and of his Subgets 'of the same, hit is ordeyned and enact-'ed, and stablished by thadvyse and as-'sent of the Lords Spirituels and Tem-'porels, and of the Comyns in this pre-'sent Parlement assembled, and by Au-'ctorite of the same, That the Kyng fro 'the Fest of the Purification of oure La-'dy the Yere of our Lord, 1464, have 'take, seize, hold and joye all the Ho-'nours, Castells, Lordshipps, Towns 'Townshipps, Manours, Londes, Tene-'mentes, Wastes, Forestes, Chases, Rents 'Annuities, Reversions, Fermes, Services 'Issues, Profites, and Commodites of 'Shires, which he had the 4th day '*Marche*, or eny tyme after afore the seid 'Fest, by reason of his Duchie of *Lan-*

'*castre*,

'*caſtre*, or by the Forfeitur of *Henry* the '*6th.* late in dede, and not in right 'Kyng of *Englond*; in *Englond*, *Irelond*, '*Wales*, and Marches thereof, *Guyſnes* and '*Caleys*, and Marches thereof; and paſs'd 'from hym the ſeid 4th day of *Marche*, 'or eny tyme after and afore the ſeid Feſt, 'by his Letters Patentes to eny Perſone 'or perſones, in Fees, Fee-ſimple, Fee-taille, 'terme of Lyfe, or terme of Yeres: And 'that the Kyng have and Injoy every of 'the Premiſſes in like Eſtate and Con-'dition as he had theym the ſeid 4th 'day of *Marche* or after: And alſo, that 'all Yefts, Grauntes and Releſſes made 'by the Kyng the ſeid 4th day of *Marche*, 'or eny tyme after afore the ſeid Feſt, 'to eny Perſone or Perſones of eny 'of the Premiſſes, in Fee-ſimple, Fee-'taille, terme of Lyfe or terme of Yeres, 'under eny of his Seales be from the ſeid 'Feſt of Purification void and of noo 'force nor effecte.

'And alſo that all Yeftes, Grauntes, *Ibid.* N. 40
'Ratifications, Releſſes and Confirmati-'ons made by the Kyng the ſeid 4th day 'of *March*, or eny tyme after and afore 'the ſeid Feſt, to eny Perſone or Per-'ſones of any Poſſeſſions, Right, Title, 'or Intereſſe of his Duchie of *Yorke*, or

'Erldome of *Marche*, or eny part of
'them, or of eny Penſion, Rent, An-
'nuite to be had, taken, perceyved or
'levyed of, or in the ſame Duchie and
'Erldome, or eny of theym, or eny par-
'cell of theym be from the ſeid Feſt
'void and of noo force nor effecte.

'And that this Act extende not to
'eny Honours, Caſtells, Lordſhipps, Ma-
'nours, Londes, Tenementes, Rentes,
'Services, Poſſeſſions or Enheritaments
'which came to the Hands or Poſſeſſion
'of our ſeid Soveraine Lord Kyng *Ed-*
'*ward* the 4*th*, or apperteyned or be-
'longed to hym, or that he ſhuld have
'had the ſeid 4th day of *Marche*, or eny
'tyme after by the forfeiture of eny Per-
'ſone in the Parlement, hold at *Weſt-*
'*minſter* the 4th day of *November*, the
'ſeid firſt Yere attainted, or by force
'of an Act of Forfeiture therin made,
'other than by the Forfeiture of *Mar-*
'*garete*, late called Queen of *Englond*:
'And alſo that this Act extend not to
'any Graunte or Grauntes afore this
'tyme made to eny Lord not attainted
'of eny Annuite for the Suſtentation of his
'Name and Eſtate, nor to noon Office
'or Offices which were Office or Offices
'the ſeid 4th day of *Marche*, or afore,

'and

'and needeth actuel Exerciſe graunted 'the ſeid 4th day of *Marche*, or after to 'eny Perſone or Perſones for terme of 'his Lyfe, or theyre Lyfes, with Fees, 'Wages and Profites to the ſame Office 'or Offices afore the ſeid 4th day of '*Marche* due and accuſtumed.

'And alſo that all Yefts made by the 'Kyng the ſeid 4th day of *Marche*, or 'eny tyme after under eny of his Scales, 'to eny Perſone or Perſones of eny Of-'fice, wheruppon noo charge hangeth 'nor nedeth to be of actuel Exerciſe or 'Occupation, be from the ſeid Feſt voide 'and of noo force nor effecte.

'Alſo that all Grauntes made by the 'Kyng the ſeid 4th day of *Marche*, or 'eny tyme after to eny Perſone or Per-'ſones of eny Office or Offices, with 'Fees and Wages then not due and ac-'cuſtumed, nor apperteynyng to the 'ſame Office or Offices the ſeid 4th day 'of *Marche* be from the ſeid Feſt, as to 'the ſeid Fees and Wages not due and 'accuſtomed void and of noo force and 'effecte.

'This Acte to be had, and take with 'ſuch Exceptions and Proviſions, as ſhall 'pleaſe the Kyng to make.

Then follow Three Savings made by the Houſe of Commons. 1*ſt*, For Sums iſſued to the Payment of the King's own Debts. 2. For Corporations, Cities and Boroughs, *&c.* as to any Gift, Grant, Demiſe, Leaſe, Releaſe, Juriſdiction, Authority, Confirmation, Ratification, Licence, Pardon, *&c.* granted by the Kings *Henry* the 4*th*, 5*th* and 6*th*. 3. For Grants or Licenſes given by the ſaid Kings to any Perſon, to found or make Fraternities, Gyldes, Hoſpitals, *&c.* or to purchaſe Lands for thoſe Uſes.

Then follow a prodigious Number of Savings and Exceptions, and ſo many as, indeed, ſeem intirely to defeat the Deſign and Intention of the Act; which in the 7th of the ſame Reign, produc'd another Reſumption.

This Heroick Prince, who himſelf had fought ſo many Battles, and who by his Courage from a private Perſon got to be King of *England*, invites his People from the Throne, to reſume what had been plunder'd from the Crown, in the Words following.

7 *Edw.* 4. *Rot.* Parl. N. 7. '*John Say*, and ye Sirs comyn to this
'my Court of Parlement, for the Co-
'mon of this my Lond: The Cauſe why
'Y have called and ſummoned this my
'pre

'preſent Parlement, is, Y purpoſe to 'to lyve upon my nowne, and not to 'charge my Subgetts, but in grete and 'urgent Cauſes, concerning more the 'wele of theymſelf, and alſo the defence 'of theym, and of this my Reame, ra-'ther then my nowne pleaſer, as here-'tofore by Comons of this Lond hath 'been doon, and born unto my Progeni-'tours in tyme of nede; wherein Y 'truſt, that ye Sirs, and all the Comons 'of this my Lond, wol be as tender and 'kind unto me in ſuch Caſes as hereto-'fore eney Comons have been to eney 'of my ſeid Progenitours. And for the 'good Wills, kindneſſe and true herts 'that ye have born, continued and ſhow-'ed unto me at all tymes heretofore, Y 'thank ye as hertily as Y can; as ſo Y 'truſt ye wol contenue in tyme com-'yng; for the which, by the Grace of 'God, Y ſhall be to you as good and 'gracious Kyng, and reigne as reight, 'wiſely upon you as ever did eney of 'my Progenitours upon Comons of this 'my Reame in days paſte; and ſhall al-'ſo in tyme of nede aply my Perſon for 'the Wele and defence of you and of 'this Reame, not ſparyng my Body nor 'Lyfe for eny jeopardie that mought 'happen to the ſame.

Ibid. N. 8. *Memorandum. Quod quedam Cedula formam cujuſdem Actus Reſumptionis in ſe continentis exhibita fuit in preſenti Parliamento in hæc Verba.* 'For divers Cauſes 'and Conſiderations concerning the Ho- 'nour, State and Proſperite of the Kyng, 'and alſo of the Commonwele, defence, 'ſurete and welfare of this Reame, and 'his Subgettes of the ſame, it is ordeyn- 'ed, enacted and eſtabliſhed by thadvyſe 'and Aſſent of the Lords Spirituells and 'Temporells, and Comons in this pre- 'ſent Parlement aſſembled, and by Au- 'ctorite of the ſame, That the Kyng 'from the Feſt of *Eſter* laſt paſt, have, 'take, ſeize, hold and joy all Honours, 'Caſtells, Lordſhipps, Townes, Towne- 'ſhipps, Manors, Londes, Tenementes, 'Waſtes, Foreſtes, Chaces, Rentes, An- 'nuities, Fermes, Fee-fermes, Reverſi- 'ons, Services, Iſſues, Profites, Commo- 'ditees, which he was ſeiſed and poſſeſ- 'ſed of the 4th day of *Marche*, the firſt 'Yere of his Reigne, or eny tyme after, 'by reſone of the Coroune of *Englond*, 'the Duchie of *Cornwaille*, Principalite 'of *Wales*, and Erldom of *Cheſtre*, or 'eny of theym in *Englond*, *Irlond*, *Wales*, 'and Marches thereof, or that apper- 'teyned or belonged to hym the ſame

'fowerth

'fowerth day, or eny tyme ſin, as par-
'cell of his Duchie of *Lancaſtre*, or by
'the forfaiture of *Henry* the Sixt, late in
'dede, and not in Right Kyng of *Eng-*
'*lond*, or eny Perſon atteynted ſin the
'ſeid 4th day of *Marche*, by auctorite of
'eny Parlement holden ſin the ſeid 4th
'day, or otherwyſe attaynted by the
'courſe of the Comon Lawe of this
'Lond, and paſſed from the Kyng un-
'der eny of his Seales, to eny Perſone
'or Perſones in Fee-ſimple or Fee-taille,
'terme of Lyfe or terme of Yeres, and
'that the Kyng fro the ſeid Feſt of *Eſter*,
'have, hold and joye every of the Pre-
'miſſes in lyke eſtate as he had theym
'the ſeid fowrthe day of *Marche*, or eny
'tyme after.

'Alſo that all Yeftes, Grauntes, Ratifica-
'tions, Releſes, Leſes, Demyſes and Con-
'firmations made by the Kyng the ſeyd
'4th day of *Marche*, or eny tyme ſin to
'eny Perſone or Perſones of eny of the
'Premiſſes in Fee-ſimple or Fee-taille,
'terme of Lyfe or terme of Yeres, un-
'der eny of his Seales, be from the ſeid
'Feſt of *Eſter* void and of noo force nor
'effecte.

'And furthermore it is ordeyned by
'the ſeid Advyſe, Aſſent and Auctorite,

'That

'That the Kyng from the seid Feſt of 'Eſter, have, take, ſeiſe, hold and joy all 'Honours, Caſtells, Lordſhipps, Townes, 'Townesſhipps, Manours, Londes, Tene-'mentes, Rentes, Services, Poſſeſſions, 'Enheritaments, Iſſues, profites and Co-'moditees which the full noble and fa-'mous Prynce *Richard* veray true and 'rightwyſe Enheritour to the Reames 'of *Englond* and *France*, and Lordſhipp 'of *Irelond*, Fader to the Kyng, was ſei-'ſed of to his owne Uſe and Behoofe the '30th Day of *December*, the 39th Yere 'of the pretended Reigne of the ſeid '*Henry* the Sixt. And that the Kyng 'from the ſeid Feſt of Eſter, have, hold 'and joy all the ſeid Honours, Caſtells, 'Lordſhipps, Townes, Townesſhipps, 'Manours, Londs, Tenementes, Rentes, 'Services, Poſſeſſions, Enheritaments, 'Iſſues, Profites and Commoditees in 'like Eſtate as his ſeid Fader had theym 'the ſeid 30th of *December*. And that 'all Yefts, Grauntes, Ratifications, Re-'leſes, Leſes, Demyſes and Confirma-'tions made by the Kyng ſin the 'ſame 30th Day to eny perſone or per-'ſones under eny of his Seales of eny 'of the ſame Poſſeſſions, Iſſues, Profites 'or Comoditees, or of eny Lordſhippes,

'Manors,

'Manors, Londes, Tenementes, Poſſeſ-
'ſions or Enheritaments wherof eny per-
'ſone or perſones were ſeiſed the ſame
'30th Day to the Uſe and Behoof of
'his ſeid Fader or of eny Right, Title
'or Intres of, or in eny part of the ſame
'or of, or in eny of the Premiſſes which
'his ſeid Fader was ſeiſed of the ſeid 30th
'Day, or of eny Penſion, Rent, Anuui-
'tee to be had taken perceyved or levyed
'of, or in eny part therof, or of or in eny
'part whereof eny perſone or perſones
'were ſeiſed to the Uſe and Behoof of
'his ſeid Fader the ſeid 30th Day be
'from the ſeid Feſt of Eſter voide and of
'noo Force nor Effecte.

'And alſo by the ſeid Advyſe, Aſſent
'and Auctorite, it is ordeyned and ſta-
'bliſhed, That ſuch lawfull Right, Title,
'Clayme and Intereſt be ſaved and had
'to every perſone and perſones of every
'theyr Heires other than the ſeid per-
'ſones atteynted and theyr Heires clay-
'myng in by theym or eny of theym, as
'he or they not atteynted might or ſhuld
'have had in eny of the Premiſſes yf this
'Acte had not been made otherwyſe then
'by the Kyngs Graunte, or eny of his
'Lettres, Patentes or Aſſignment.

'And

'And furthermore it is ordeyned by 'the seid Advyse, Assent and Auctorite, 'That all Yefts made by the Kyng the 'seid 4th Day of *Marche*, or eny Tyme 'sin to eny persone or persones of eny 'Office in *Englond*, *Irlond*, *Wales* or Mar-'ches therof, wherupon no Charge hang-'eth nor nedeth to be of actuel Exercise 'or Occupation be from the seid Fest 'of Ester voide and of noo Force nor 'Effecte.

'Also, That all Grauntes made by 'the Kyng the seid 4th Day of *Marche* 'or eny tyme sin to eny persone or per-'sones of eny Office or Offices in *Eng-'lond*, *Irlond*, *Wales* or Marches therof, '*Guysnes*, *Caleys*, or Marches therof with 'Fees, Wages, Profites or Commodities 'not used and accustomed to the same 'Office or Offices afore the same 4th Day 'of *Marche*, be from the seid Fest of Ester 'as to the seid Fees, Wages, Profites 'and Commoditees and every of theym 'so not used and accustomed voide and 'of noo Force nor Effecte.

'Also, That every Graunte made by 'the Kyng the seid 4th Day of *March*, 'or eny time since to eny persone for 'terme of his Life of the Office of Sar-'jeant of Armes be from the seid Fest of

'*Ester*

'Eſter of noon other Force and Effecte 'than onely at the Kyngs Will and Plea-'ſer.

Then follow ſeveral Savings much of the like Nature as thoſe in the former Acts, as alſo ſome Regulations relating to the King's Tenants, not material to our preſent Subject.

Quæ quidem cedula tranſportata fuit Communibus Regni Angliæ *in dicto Parliamento exiſtent. Cui iidem Communes Aſſenſum ſuum prebuerunt ſub hiis Verbis. A toutez lez Actez & Proviſions deſuis Eſcriptez les Comunes ſont aſſentuz. Quibus quidem cedula & aſſenſu in Parliamento predicto lectis auditis & plenius intellectis de aviſamento & aſſenſu & autoritate predict. reſpondebat eidem in forma ſequen.*

Reſp. *Le Roy le voet oveſq. lez Proviſions & Exceptions ſur ceo pur luy faitz les tenours de queux cy apres enſuent.*

That is, the King conſents to the Bill with the enſuing Proviſions and Exceptions: Then follow a great Number of Savings and Proviſions, moſt of 'em for private Perſons, and much of the ſame Natures as thoſe of the former Acts.

And at the cloſing of the Seſſions, the King thanks the H. of Commons by the Mouth of the Biſhop of *Bath* and *Wells*, his 7 *Edw.* 4. *Rot.* Parl. N. 15.

his then Chancellour for this Resumption. * *Pro suis Laboribus circa dictam Resumptionem ostensis.—— Idem Dominus Rex omnia & singula per ipsos Communes declarata & desiderata profunde conceperat.*

Anno 13. *Edw.* 4. There pass'd another Act of Resumption for that, either the former had been so ill executed, or that the Exceptions had been so many as to frustrate the good Intentions of the House of Commons.

13 *Edw.* 4. *Rot.* Parl. N. 6. 'For divers Causes and Considerati-
'ons concernyng the Honour, Estate and
'Prosperite of the Kyng, and also the
'common Wele, Defence, Surete and
'Welfare of this Reame and Subgettes
'of the same; It is ordeyned, enacted
'and stablished by Thadvyse and Assent
'of the Lordes Spirituells and Tempo-
'rells, and by the Commons in this pre-
'sent Parlement assembled, and by the
'Auctorite of the same, That the Kyng
'from the Fest of the Seynt *Thomas*
'thappostill, that shall be in the Yere of
'our Lord God One Thousand Fowre
'Hundred Seventy and Three, shall
'have, take, seise, hold, possesse and en-
'joye all Honours, Castelles, Lordshipps,
'Manors, Londes, Tenementes, Rentes
'and Annuitees, which he was seised

'and

'and poſſeſſed of in the 4th Day of *March*, 'the firſt Yere of his Reign, or eny time 'after by reaſon of the Corone of *Englond*; 'in *Englond*, *Irlond*, *Wales*, or Marches 'therof, *Guyſnes*, *Caleys* or Marches ther-'of; and alſo that apperteyned or belong-'ed to him the ſame 4th Day of *Marche*, 'or eny tyme ſith, as parcelle of hys 'Duchie of *Lancaſtre*, or by forfaiture 'of *Henry* the Sixt late in Dede, and 'not in Right Kyng of *Englond*: And of 'eny perſone atteynted ſith the ſeid 4th 'Day of *Marche* by Auctorite of eny Par-'lement holden ſith the ſame 4th Day 'of *Marche*, or otherwyſe atteynted by 'the Cours of the Common Lawe of this 'Lond, and paſſed fro the Kyng undre 'eny of his Seales to eny perſone or per-'ſones in *Fee*-ſimple or *Fee*-taille, for 'terme of Lyfe, or terme of Yeres, or 'otherwyſe, by the Kyngs Graunte un-'der his Seales; and that the Kyng 'from the ſeid Feſt of St. *Thomas*, have, 'hold, poſſede and enjoye eny of the 'Premiſſes in and of like Eſtate and Con-'dition, as he had theym in the ſeid 4th 'Day of *Marche*, or eny tyme after.

'And furthermore, It is ordeyned by 'the ſeid Advyſe, Aſſent and Auctorite, 'That the Kyng from the ſeid Feſt of

'Seynt

'Seynt *Thomas*, have, take, seise, hold
'and enjoye all Honours, Castells, Lord-
'shipps, Manoirs, Londes, Tenements,
'Rentes and Annuitees, which the full
'noble and famous Prynce *Richard* veray
'true and rightwyse Enheritour to the
'Reames of *Englond* and *France* and Lord-
'shippe of *Irlond*, Fader to the Kyng was
'seised of to his owne Use and Behove
'the 29th Day of *December* the 29th Yere
'of the pretended Reigne of the seid
'*Henry* the Sixt: And that the Kyng
'from the seyd Fest of Seynt *Thomas*,
'have, hold and enjoye all the same Ho-
'nours, Castles, Manoirs, Londes, Te-
'nementes, Rentes, Annuitees, in and
'of like Estate and Condition as his seid
'Fader had theym the seid 29th day,
'and passed from the Kyng to eny Per-
'sone or Persones under eny of his Seales,
'in Fee-simple, Fee-taille, terme of Lyfe
'or term of Yeres. Also, that all Yeftes,
'Grauntes, Releses and Demyses made
'by the Kyng the seid fourth day of
'*Marche* or eny tyme sith, to eny Per-
'sone or Persones, of, or in eny of the
'Premisses, in Fee-simple, Fee-taille, terme
'of Lyfe or terme of Yeres, or other-
'wyse, under eny of his Seales, be from
'the seid Fest of Seynt *Thomas* voide and

'of

'of noo force nor effecte. And alſo by 'the ſeid Advyſe, Aſſent and Auctorite, 'it is ordeyned and ſtabliſhed, That ſuch 'lawfull Right, Title, Clayme and In-'tereſt be ſaved, and had to every Per-'ſone or Perſones, and every theyr 'Heyres other than ſuch Perſones now 'beyng atteynted of Treaſon, and theyr 'Heyres clayming in by theym, or eny 'of theym ſo atteynte, myght or ſhuld 'have had in eny of the Premiſſes yf 'this Acte had not be made otherwyſe 'then by the Kyngs Graunte, or eny 'his Lettres Patentes, or Auctorite of 'Parlement.

What follows being join'd with this Act, and ſhowing the Wiſdom and Frugality of thoſe Times, and the Methods they took to put the King out of Debt, we thought it would not be foreign to our preſent Matter to inſert it.

'Alſo in this Parlement begun and 'holden, *&c.* —— Grete multitude of 'Aſſignments, as well by Letters Pa-'tentes of the Kyng, Tailles, Deben-'tours, and other Bills levyed and rered 'at the Receipte of his Exchequer or o-'therwyſe, as by Billes undre the Seale 'or Seals beyng in the ſame Receite or-'deyned for Aſſignations to be made 'upon the Poſſeſſions of the Duchie of *Ibid.* N. 7.

'*Lancaſtre*, *Wales*, Duchie of *Yorke*, and
'Erldome of *Marche*, as well for the
'Kyngs Houſehold and Wardrobe, and
'for his Werkes as for many and divers
'Somes of Money in tymes of divers
'Perſones, late Treſorers of *Englond*,
'ſith the firſt day of the Kyngs Reigne,
'dyverſly have be made grete part of
'the which Aſſignations by Bill and o-
'therwyſe inordenately, and without
'grounde of Duete, have be had and
'made as it is underſtond: It is there-
'fore ordeyned by thadvyſe and Aſſent
'of the Lordes Spirituels and Temporels,
'and the Commons in the ſame Parle-
'lement, the ſeid ſixt day of *October*, in
'the ſeid Thirteenth Yere aſſembled,
'and by Auctorite of the ſame, That
'before the Fifteeneth of *Eſter* next now
'to come, open Proclamation be made
'within every Shire of the Reame, in
'every Markette-Towne within the ſame
'Shire, by the Shiref, or Shirefs of the
'ſame Shyre or Shyres for the tyme be-
'yng: And that every Shiref duely
'make the Proclamation in that partie,
'and the Writ thereof ſerve and retorne
'at the day of the Retorne of the ſame,
'upon the Payne to forfaite at every de-
'faute to the Kyng one hundred pounds:
'That every Perſon or Perſones having

'eny

'eny Patente, Taille or Bille made, rered 'or aſſigned before the firſt day of *De-* '*cembre,* in the Tenth Yere of his ſeid 'Reigne, for eny Some or Somes of 'Money conteyned or ſpecefied in eny 'of the ſame appere before the Barons 'of the Kyngs Exchequer at *Weſtminſter,* 'in his proper Perſone, or by his Atour- 'ny or Servaunt, having ſuffiſant Auc to- 'rite of hym afore the fifteeneth of *Eſter,* 'which ſhall be in the Yere of our 'Lord, 1475, there to ſhewe and prove 'that the Somes of Money conteyned 'and ſpecifyed in his or their Patent, 'Taille or Bille, was by, or upon eny 'true grounde or cauſe due by the Kyng 'at the tyme of the makyng, rearyng, 'or aſſignment of the ſeid Patent, Taille 'or Bille, made, reared or aſſigned to 'to the ſame Perſone or Perſones named 'in the ſame Patent, Taille or Bille for 'the Kyngs Houſe, for the Kyngs Cham- 'bre, his Wardrobe, his Werks or Mo- 'ney to hym lent for the Victualler of 'of *Calleys,* or eny of theym, or for eny 'other Cauſe, that the ſame Barons up- 'on due prove by theyre Diſcretions had 'and made of eny Some and Somes in 'ſuch Taille or Bille to be due by the 'Kyng; and at the tyme of the ſeid

'prove made not paid, have auctorite
'and power by this Acte, to certifye
'into the Receipte of the Kyngs Exche-
'quer of the Some and Somes so proved
'due, and of the Name or Names of the
'Persone or Persons to whom the seid
'Some or Somes so shall be proved to
'be due: And therupon by this Acte the
'Tresorer and Chamberleyns of the
'Kyngs Receipt for the tyme beyng, dy-
'vydyng severally the seid Debte into
'twenty partes by even Portions, with-
'out delay or denyer at the Kyngs pro-
'per Cost and Charge rere, there make
'and delivre twenty Tailles or Billes ac-
'cordyng, payable Yerely iche after other
'within twenty Yeres then next ensue-
'yng, to have and reteyne in such Place
'or Places, and under such Forme as the
'Tresorer of *Englond* for the tyme being,
'with the reasonable agreement of the
'seid Persone or Persones to whom such
'duetee shall be proved due, shall be
'thought resonable. And as for such
'Duetees as shall be found due to eny
'of the seid Persones afore the seid Ba-
'rons, by reson of eny such Letters Pa-
'tentes that the seid Barons shall certi-
'fie such duetees as they shall fynde due
'by eny such Letters Patentes made un-
'der

'der the Kyngs grete Seale, to the 'Chaunceller of *Englond* for the time be-'yng: And ſuch Duetees as ſhall be 'founde due to eny Perſone before the 'ſeid Barons, by reſon of eny of the 'Kyngs Letters Patentes made undre the 'Seal of his Duehie of *Lancaſtre*, to the 'Chaunceller of the ſame Duchie for 'the tyme beyng: And then that every 'of the ſeid Chauncellers for ſuch Somes 'ſo to theym certified, do make at the 'Kyngs Coſt and Charge to ſuch Per-'ſones as ſuch Duetees ſhall be fonnd 'due to, Letters Patentes, to receyve, 'have, or reteyne ſuch Somes of Money 'as ſhall be to theym certyfyed, and to 'be had, received or reteyned Yerely 'within twenty Yeres next enſueyng 'the date of the ſeid Letters Patentes 'rately as is aforeſeid in ſuch place or 'places, ground or grounds as the ſame 'Perſones afore this Acte were aſſigned 'or lymytted: And that the ſeid Tailles, 'Billes, and Letters Patentes ſerverally 'to be rered and made be and ſtond 'good and effectuel in Law, and pre-'ferred in payment before eny other 'payment by Patent, Taille or Bille, or 'eny other Aſſignment or Cauſe rered, 'made or had after the rering of the

'ſeid Tailles: And that all the ſeid Let-
'tres Patentes, Tailles, Billes, and every
'of theym not ſhewed afore the ſeid
'Fifteeneth before the ſeid Barons be
'voide, and the Kyng thereof acquite
'and diſcharged. And alſo that all Let-
'tres Patentes, Tailles, Bills, and every
'of theym ſhewed afore the ſeid Ba-
'rons, and before theym proved not to
'be made, reared or aſſigned upon true
'Grounde or Cauſe of Duetee in like-
'wyſe to be voide, and the Kyng ther-
'of quyte and diſcharged for ever-
'more.

Then follow Sixteen Exceptions or Savings as to private Intereſts, which the Houſe of Commons make, and they are much of the ſame Nature as thoſe in the other Acts.

Reſp. 'As touchyng this Bill of Re-
'ſumption, and the other Acte above
'ſpecified concernynge Aſſignations made
'by the Kynge, and the Fourme of Pay-
'mentes of his Dettes, and all thynges
'compriſed in either of the ſeid Billes
'and Acte, and the other Matiers and
'Articules above ſpecified, the Kyngs
'Highneſſe hath well conceyved and un-
'derſtond the ſame, and by thadvyſe
'and aſſent of the Lordes Spirituells and
'Lordes

'Lordes Temporells, and the Comons 'beyng in this preſent Parlement, and 'by the Auctorite of the ſame theym 'hath accepted and agreed. So alſo that 'ſuch Proviſions and Exceptions as by 'his Highneſs be or ſhall be made and 'agreed, and duryng the tyme of this 'preſent Parlement in Writyng, to or 'upon the Premiſſes be good and effe-'ctuel the ſeide Bille or Acte, or eny 'other the Premiſſes, notwithſtondyng 'for the Equyte and Right wis reward 'that the Kyng intendeth to do to eve-'ry of his Subgietts for his Merites, 'which ſhall be to the Pleaſer of God, 'and Honour of his Highneſſe, and the 'Weel of all the Lond and People.

Then follow a great Number of Exceptions brought in by the King, but they do not ſeem of that Nature, as if it were deſign'd they ſhould defeat the Intentions of the Houſe of Commons, as the Savings in the firſt Act of Reſumption paſs'd in this Reign plainly did: So that at laſt both *King* and People appear to be in Earneſt in this Matter.

But all the Acts of Reſumption hitherto paſs'd were not thought ſufficient; ſo that tho' we cannot find *Richard*

the Third, who ſucceeded *Edward*, was any great Giver, yet the Parliament in the Reign of *Hen.* 7. who was Succeſſor to *Richard*, believ'd another Reſumption neceſſary.

Rot. Parl. 1 *Hen.* 7. p. 2.

Anno 1. *Hen.* 7. 'Prayen the Com-'mons in this preſent Parliament aſſem-'bled, That where the moſt noble and 'bleſſed Prince of moſt holy Memory, 'King *Henry* the 6th your Uncle, whom 'God reſt, and other your noble Pro-'genitours, have kept as worſhipfull, 'noble and honorable Eſtate of their 'Houſehold in this Lond of the Reve-'nues thereof, as have done eny King 'or Prince in *Englond* chriſtenned to the 'Eaſe and Reſt of the People of the 'ſame, without agrudging or lack of 'Payment therfore, ſuch as cauſed all o-'ther Londs to have this your ſaid Lond 'in as worſhipfull *R*enown and as great 'Dread as any other Lond chriſtenned, 'and for that the Revenues of your ſaid 'Lond to your Highneſſe now belong-'ing mowe not ſuffice to keep and ſuſt-'eine your honourable Houſehold nor 'your other ordinarie Charges which 'muſt be kept and born worſhipfully 'and honorably as it accordeth to the 'Honour of your Eſtate and your ſaid 'Realm

'Realm, by which your Adverſaries and 'Enemies ſhall fall into the dread wher-'in heretofore they have byn. That it 'would pleaſe your Highneſſe by thad-'vyſe and aſſent of the Lords Spirituall 'and Temporall in this preſent Parlia-'ment aſſembled, and by Auctoritie of the 'ſame for the Conſervation and Suporta-'tion of your ſaid Eſtate, which firſt to 'Gods Pleaſure, ſecondarie for your own 'Suertie, Honour and Weal, and for the 'third to the univerſal Weal, Eaſe, Reſt 'and Suertie of this Land the which you 'owe to preferre afore the Favour of 'any Perſone or any Place or other Thing 'earthly; to take, ſeiſe, have, reteyne 'and reſume into your Hands and Poſ-'ſeſſion from the 21ſt Day of *Auguſt* 'laſt paſſed, all ſuch Caſtles, Lordſhipps, 'Honours, Manours, Londs, Tene-'ments, Rents, Services, Feefermes, 'Knights Fees, Advowſons, Annuitees, 'Yefts of Offices to yeve at your Plea-'ſure Grantes of keeping Ideots, Faires, 'Markets, Hundred, Turnes, Views of 'Frankplegge, Leets, Yſſues, Fines, A-'merciaments, Libertees, Fraunchiſes, 'Prorogatives, Eſcheates, Cuſtumes, 'Reverſions, Remainders and all other 'Hereditaments with their Appurten-

'ances

'ances whatſoever they be in *England*, '*Wales*, *Ireland*, of *Caleys* or the Merches 'thereof, as the ſaid moſt chriſten and 'bleſſed Prince King *Henry* the 6th, 'your Unkle had of Eſtate of Enheri- 'tance, or any other to his Uſe had the '2d Day of *October* the 34th Year of 'his Reigne, or any tyme ſith as par- 'cell or in the Right and Title of the 'Crown of *England* of the Duchie of '*Lancaſtre*, the Duchie of *Cornwall*, the 'Principalitie of *Wales*, and the Earl- 'dome of *Cheſter*. Saving to every of 'your liege People ſuch Right, Title 'and Intereſſe as they or any of them 'ſhould have or might have had in, or 'of the Premiſſes or any Parcel thereof, 'other than by means of Lettres, Pa- 'tentes of any King of this your Realm, 'or by Act of Parliament made after the 'ſaid 2d Day. And over this be it en- 'acted, ordeyned and ſtabliſhed by the 'ſame Anctoritie that all Yefts, Graunts, 'Leaſes, Releaſes, Confirmations and 'Diſcharges of any Caſtels, Honours, 'Lordſhipps, Manours, Lands, Tene- 'ments, Rents, Services, Reverſions, 'Annuites, Feefermes, Offices, Liber- 'ties, Fraunchiſes or other Hereditа- 'ments and all Appropriations, Corpo-

'rations,

'rations, Collations, Aſſignments and 'Graunts of any Debt or Summes of mo-'ny by Letters Patentes or Tailles as 'to any Payment only whereof the Days 'of Payment, have, or ſhall grow after 'the 21ſt Day of *Auguſt* laſt paſſed made 'by *Richard* the 3d, late in dede and not 'of right, King of *Englond* any tyme du-'ring his uſurped Reigne under his great 'Seale of the Countie Palatine of *Cheſter*, 'or by Tailles to any perſone or Perſons "or Body corporate; and alſo all Yefts 'and Grauntes by Authoritie of Parli-'ament or otherwyſe, made by *Edward* 'the 4th late King of *England*, or by *Ed-'ward* his Son late called King *Edward* 'the 5th to any perſone or perſones be 'fro the ſaid 21ſt Day of *Auguſt* adnul-'led, void and of no force ne effecte. And 'all Graunts made by the ſaid *Edward* 'the 4th late King of, or touching the 'Earldome of *Devonſhire*, or any Parcell 'thereof, be from the ſame 21ſt Day al-'ſo void and of no Force ne Effecte. 'Then comes,

A Saving for ſome ſpecial Grants made by *Edward* the 4th, and *King Richard*, as to Lands of the County Palatine of *Lancaſter*, *Cheſter*, or of the Earldome of *March*. A Saving to Abbots, Abbeſ-

'ſes,

ſes, Priories in *England* or *Wales*, as to the Reſtitution of any of their Temporalities. A Saving for Licenſe to incorporate or found any Chantery, *&c.* Then follows,

'And over this be it inacted, ordey-'ned and ſtabliſhed by the ſayd Auct-'ority that all Graunts and Letters, Pa-'tentes of any Office made by our 'ſayd Sovereign Lord, afore the 20th 'Day of *January* the 1ſt Year of our 'Reign to any perſone or perſons be from 'hence forth void ne of no effecte.

A Saving for the great Officers and Others, as to their Employments and Wages.

A Saving for the Patents of the Peers, and their Creation-Money. And to Corporations, *&c.*

Then follow Ten Exceptions or Savings made by the Houſe of Commons to the ſaid Bill, and ſuch of them as are either general or particular, are much of the like Nature with the Savings in other Acts.

Reſp. 'As touching this Bill of Re-'ſumption, the *King*'s Highneſs hath 'well conceived and underſtood the ſame 'hath therefore by thadviſe and aſſent 'of the Lords Spirituels and Temporels

'and

'and Commons in this preſent Parlia-
'ment, and by thauctoritie of the ſame
'it accepted and agreed. So alway,
'that ſuch Proviſions and Exceptions as
'by his Highneſs, be, and ſhall be made
'and agreed, and during the Time of
'this preſent Parliament put in Writing,
'to, or upon the Premiſſes be good and
'effectual. The ſaid Bill or Act, or
'any other the Premiſſes notwithſtand-
'ing. For the Equitie and rightwiſe
'Reward that the *King* entendeth to
'doe to every of his Subgietts, for his
'Merits which ſhall be to the Pleaſure
'of God, and Honour of his Highneſs,
'and the Weale of all his Lond and Peo-
'ple.'

Then follow many particular Exceptions more in Number than in any other of the Acts, but under this frugal *King* we may ſuppoſe they are not ſuch as would make the Act ineffectual.

Beſides, in this Reign there paſs'd ſeveral particular Acts of Reſumption, for which we ſhall refer the Reader to the Records.

Anno 33. *Hen.* 7. An Act of Reſumption of the Offices or Places of Receivers, Auditors, Cuſtomers, Collectors of Cuſtoms, Subſidies, Comptrollers, Searchers. *Rot.* Parl. 3 *Hen.* 7. N. 35.

ers, Surveyors and Places of other Officers, Accomptants to the *King*.

Rot. Parl. 11 *Hen.* 7. N. 2. *Anno* 11. *Hen.* 7. An Act of Reſumption of divers Caſtles, Mannors, Lands and Tenements, which were formerly given by *K. Edward* the Third, and *K. Richard* the Second, to *Edmond de Langley*, Duke of *York*.

Rot. ibid. N. 4. In the ſame Year an Act for making void all Grants made of the Mannor of *Woodſtock*.

Ibid. N. 6. In the ſame Year an Act for making void divers Leaſes and Offices within the Principality of *Wales*, Dutchy of *Cornwall*, and Earldom of *Cheſter*.

Anno 6. *Hen.* 8. There paſs'd another Act of Reſumption, which related only to reſuming needleſs Offices and Penſions.

Rot. Parl. 6 *Hen.* 8. N. 8. 'Prayen, and in moſt humble wiſe, 'beſeeſhing Your Heyghneſs, Your hum-'ble Subjects the Commons in this pre-'ſent Parlement by your high Com-'mandement aſſembled, That where the 'moſt Chriſten Princes, *King Henry* the 'Sixth, *King Edward* the Fourth, and 'the moſt famous and renowned Prince 'of moſt worthy Memorie, *King Henry* 'the Seventh your Fader, whom God 'pardon, and other your noble Proge-'nitours,

'nitours, have kept as honourable A-'ſtates as well in their own Perſons as 'in their Houſholds, and other their 'Charges as well in defence of this Your 'Realm, as in defence of the Towns of '*Caleys*, *Guiſnes*, *Hammes*, *Berwick*, and 'the Marches of the ſame, and other 'Charges of this Your Realm of the 'onely Revenues thereof, as hath any '*K*ing or Chriſten Prince in any oder 'Chriſten Region, not onely to the 'great Honour of the ſame, but alſo 'to the great eaſe, reſt and quietneſs of 'the People of the ſame, which cauſed 'all other Lands and Realms to have 'this your Realm in great Renowne, 'Drede and Fear, and your ſaid Proge-'nitours to be dradde of all outward 'Nations.

'And ſo it is, moſt drade Sovereign 'Lord, that the Revenues of your 'Lands, and other Things late being in 'your Hands and Poſſeſſions be ſo great 'mynyſhed, by reaſon of the Manyfold 'Yifts, Graunts and Releaſes paſſed from 'your Highneſs ſince the begynyng of 'of your moſt noble Reigne hitherto, 'that the reſidue therof now remaining 'in your Hands and Poſſeſſion in no 'wyſe ſuffiſeth, nor can ſuffiſe to bear

'and

'and ſuſteyn your great Charges dayly 'increaſen, as well by reaſon of your 'Wars now being in hand againſt your 'antient Enemies the *Scots*, as of your 'great Charges in keeping and defence 'of your City of *Tournay*, late by youre 'Grace victoriouſly Conquered, and 'which of very neceſſity muſt be main-'tained and born as accordeth to your 'Princely Aſtate and Honour of your 'Highueſſe, and ſuerte of your humble 'Subjects, and of youre Realme.

'In Conſideration whereof yt may 'pleaſe your Highneſs, by thadviſe of 'the Lords Spiritual and Temporall in 'this preſent Parliament aſſembled, and 'by Aucthority of the ſame, for the 'conſervation and maintaining of youre 'moſt Royal Aſtate, and oder Charges 'above rehearſed, to the Pleaſure of 'God, and for youre own Honour and 'Suerte; and alſo for the univerſal Weal, 'Eaſe, Reſt and Suerte of this youre 'Realme and Land, and for the my-'nyſhyng and leſſening of the Charges 'and Burden of youre ſaid poor Com-'mons and Subjects of the ſame, which 'your Grace oweth to preferr and ſpe-'cially regarde before the Favour of any 'particular Perſons or earthly Things,

'to

'to take, ſeiſe, reſume and have into 'your Hands, from the Feaſt of *Eaſter* 'next coming, all and ſingular thoſe 'and ſuch Annuitees Graunted to any 'Perſone or Perſones by your High-'neſs, by your Letters Patents, not for 'exerciſeing of any Office which be not 'ne at any time of the ſaid Letters Pa-'tents made, were Rent-Service or 'Rent-Charge of any Eſtate of Enhe-'ritaunce in your Highneſſe, and that 'all the ſayd Letters Patents of all the 'ſame Annuitees, and every of them 'from the ſayd Feaſt of *Eſter* onely, 'touching the ſaid Graunt of the ſame 'Annuitees be utterly void and of no 'effecte.

'And alſo, that all Letters Patents, 'Grants and Bills ſigned by your High-'neſſe, made to any Perſone or Per-'ſones, of any Office or Offices, or 'Rowme to be had after the Deth of 'any Patenteth the ſame Patentee be-'ing yet alive, and in Poſſeſſion by 'Vertue of his Patent, or of the next 'Avoydance of any Avowſons of 'Churches, Benefices, Chauntreys, Ho-'ſpitals, Prebends, or of any Spiritual 'Benefices not executed, be from hence-'forth utterly void and of none effecte.

Then follow ſome other Regulations relating to Offices, Places and Penſions. After which there is a Saving for the Peers, as to their Creation-Money: And then for *George*, Earl of *Shrewsbury*, of, and for the Stewardſhip of *Tutbury*, Parcel of the Dutchy of *Lancaſter*, &c. ſign'd with the King's own Hand. Then follow Savings for ſeveral great Officers, and for the Queen.

And then comes a Proviſion for Offices in the King's Lands, Caſtles and Mannors, *&c.* then follow ſome particular Savings, and thoſe not many.

Reſp. *Le Roy le Veult.*

So that this Prince, as Arbitrary as he was, gave way to this Reſumption made in Parliament.

The Writer of theſe Papers (tho' it has prov'd a Matter of great Labour) has thought it beſt to ſet down the very Words of all theſe Acts of Reſumption, omitting the Savings, which in each Bill are very numerous; but to give the Reader Light into the Nature of theſe Exceptions, he did extract all the Savings that were brought into the firſt compleat Act, that paſs'd upon this Subject, which was 28 *Hen.* 6.

And

And by thoſe the Reader may judge of the Reſt; for they which follow'd were much of the like Nature.

'Tis true, his Work will thereby ſeem tedious, but curious Perſons may, perhaps, receive Satisfaction, to ſee the Sence of their Fore-fathers upon this Point. And we take it, that the Wiſdom and Gravity with which theſe Acts are penn'd, and the Exactneſs and Care which the Houſe of Commons from time to time ſhow'd in this whole Tranſaction, will prove no unpleaſant peice of Hiſtory.

He has done impartially, and taken notice of what may make againſt, as well as for his preſent Argument, that the Reader may have the whole before him. And in this Tranſcript he has follow'd the beſt Copies of Records he could procure, ſuch as have been ſign'd and examin'd at the *Tower*, in which he believes there is no material Error, and that they are according to the Original Records, except in Orthography, or ſpelling Words, wherein all Tranſcribers of Records miſtake and differ with one another: But as to the *French* Records, both in this and the following Section, the Author has ex-

amin'd them all at the *Tower* by the Rolls.

As to what was done upon Reſumptions before the Reign of *Edward* the Second, he has therein follow'd the beſt Ancient Writers of our Engliſh Hiſtory, whoſe Authority may be rely'd upon, becauſe moſt of ſuch as he has cited, wrote of Things done near, or in their own Times.

But for their Eaſe, who do not care to read much, and to help the Memory of others, he will recapitulate in a few Words the ſeveral Reſumptions; afterwards he will make ſome few Obſervations upon the Whole, and examine what Effect theſe Acts of Reſumption produc'd, as to enlarging the Crown-Revenue, and then conclude this long Section.

1*ſt*, A Reſumption was made by *William Rufus*.

2*dly*, A Reſumption by *Henry* the Firſt.

3*dly*, A Reſumption agreed to by King *Stephen*.

4*thly*, A Reſumption actually made by *Henry* the Second.

5*thly*, A Reſumption by *Richard* the Firſt.

6*thly*,

6*thly*, A Reſumption by *Edward* the Second.

7*thly*, Reſumptions made by *Richard* the Second.

8*thly*, Reſumptions made by *Henry* the Fourth, particularly of the Lands belonging to *Windſor-Caſtle*.

9*thly*, Three Reſumptions made in the Reign of *Henry* the Sixth.

10*thly*, Four Reſumptions made in the Reign of *Edward* the Fourth.

11*thly*, One general Act, and other particular Acts of Reſumption in the Reign of *Henry* the Seventh.

12*thly*, An Act of Reſumption of divers Offices, Annuities, and other Things, in the Reign of *Henry* the Eighth.

Upon the whole Matter theſe Obſervations may be made.

1*ſt*, From the forecited Records, it appears, that the People of *England* have in no Age thought it reaſonable, that the Crown-Revenue ſhould be alienated.

2*dly*, That not only under the Reigns of weak and unfortunate Princes, but when there has been upon the Throne martial and active Kings,

this Nation has all along inſiſted upon Reſumptions.

3*dly*, It appears from the ſaid Records, that very few of the ſaid Reſumptions did look farther backward than the Reign of the preſent Prince.

4*thly*, That the People have been moſt provoked, when the Crown-Lands have been given away to Foreigners.

5*thly*, That the Houſe of Commons in their Bills of Reſumption made very few Savings, as to the Intereſts of Private Men.

6*thly*, That it appears from the ſaid Records, that very ſmall Things were look'd into, and that in the Three Reſumptions made by *Henry* the Sixth, it does not appear there were Savings for any large Grant.

7*thly*, That in ſome of their Bills the Houſe of Commons inſiſted upon Penalties, to be inflicted upon ſuch as ſhould procure Grants of the Crown-Revenue.

8*thly*, That by the Profuſion of ſome Princes, the Crown-Revenue was reduc'd from Fifty Six Thouſand Nine Hundred Sixty Six Pounds, to Five Thouſand Pounds *per Annum*.

9*thly*, That *Edward* the Fourth invited his Parliament, in his Speech from the

the Throne *Anno* 7. to make an Act of Reſumption.

10*thly*, That in the many Acts made to this Purpoſe, every following Act was penn'd with ſtricter Clauſes, and to reach more than the former did.

11*thly*, That the Act made the 28 *H.* 6. provides, that the Lands ſo reſumed ſhould be for the Expences of the King's Houſhold.

12*thly*, That ſome of theſe Reſumptions, as that of 3 and 4 of *Edw.* 4. extended not only to the Crown-Revenue, but alſo to what was the King's own Patrimonially, namely, to his Dutchy of *York*, and Earldom of *March*. And that *Anno* 7. all was reſumed, which belong'd to *Richard*, Duke of *York*, the King's Father, the 30*th* of *December*, *Anno* 39. *Hen.* 6. The ſame 13 *Edw.* 4.

13*thly*, That in theſe Acts of Reſumption, the Sallaries and Wages are taken away of all ſuperfluous Offices, which requir'd no Attendance and Execution, and which were newly erected.

14*thly*, That ſome of theſe Acts eſtabliſh, that the Lands ſo reſumed ſhould continue in the Crown.

15*thly*, That it will appear to any who will look into the volumenous Savings and Exceptions which were brought in

by the King to the ſaid Acts; that many of the Grants in thoſe Ages made for Lands or Penſions, were only for Term of Life or Term of Years, and to return to the Crown.

16*thly*, That in many of the Savings, as to the Intereſt of private Men, where there is ſomething left, there is ſomething reſumed.

17*thly*, That moſt of theſe Acts not only reſume the Crown-Lands, but revoke all unneceſſary Penſions.

18*thly*, That the 33 *Henry* 6. reſumes the Land paſs'd away from the Crown, even by Authority of Parliament.

19*thly*, That in all theſe Acts, except 28 *Henry* 6. the Lands in *Ireland* are comprehended.

20*thly*, As every ſubſequent Act was more ſtrictly penn'd than that which went before, ſo the Exceptions and Savings brought in by *Edward* the Fourth (*Henry* the Sixth were at laſt few and frugal) became every Time more moderate than the other; ſo that in the End, both Prince and Parliament agreed, that a Reſumption was neceſſary, and would be greatly beneficial to the Kingdom.

But

But now as to the Effects which theſe Acts of Reſumption produc'd; it appears manifeſtly, that they were put in Execution, and that the Savings and Exceptions were not ſuch, as to defeat the Deſigns of the Parliament, which ſome People pretend to ſuggeſt; and 'tis likewiſe evident, that the Crown-Revenue was thereby very much increaſed.

For the Records plainly ſhow, that the whole Income of the Crowne, *Annis* 28 and 29. *Hen.* 6. was reduc'd to Five Thouſand Pounds *per Annum*. *Edward* the Fourth who ſucceeded, was an expenſive Prince, *Richard* the Third his Brother a frugal Man indeed, but his Reign was too ſhort to make any great Improvements in his Revenue; and yet we find *Henry* the Seventh his Succeſſor, Maſter of more ready Money than ever any King of *England* was either before, or ſince his Time.

This Prince had not many Aids from his People, * Sir *Robert Cotton* enumerates them: But one Aid upon Land, *viz.* *Anno* 19. Out of their Goods and Lands a Tenth; out of their Goods only thrice a Tenth; Five Fifteens, beſides a Tenth and Fifteenth, which amounted to 120000 *l.* Three Subſides, of

* Anſwer to the Reaſons for Foreign Wars, p. 51

of which the laſt came to but 36000 *l.* One Benevolence. And of the Clergy twice the Tenth, and 25000 *l.* by way of Subſidy; and yet *Cotton* ſays (for which he cites a good * Authority) *That he left behind him in Bullion, Four Millions and a Half, beſides his Plate and rich Attire of Houſe.* My Lord † *Bacon*, indeed, brings the Sum lower, and ſays it was near Eighteen Hundred Thouſand Pounds Sterling. But to reckon according to either of theſe Authors, the Sum was prodigious for thoſe Times.

* *Lib. Acquit. int. Regem & Dudley, R. C.*

† Life of *Hen.* 7. p. 230.

'Tis true, he had very extraordinary Ways of ſcraping up Money, ſuch as Sale of Offices, Redemption of Penalties, diſpenſing with the Laws, and the like; but all theſe together produc'd only * 120000 *l. per Annum*. Beſides, *Empſon* and *Dudley*, the Two Miniſters of his Extortions, did not commit their Rapines till towards the latter End of his Reign.

* Anſwer to the Reaſons, &c. p. 52.

From whence we may reaſonably conclude, that the Principal Foundation of all this Wealth (join'd with his own Parſimony) muſt have been the Crown-Revenue, and that the former Acts of Reſumption with that which was made in his own Reign (which no

no doubt this frugal Prince took Care to ſee put in Execution) had reduced it to it's former State and Condition.

For had no more been left than 5000 *l. per Annum*, there would have been no matter for his Oeconomy to work upon; ſo that we may very well infer, that the fore-mentioned Reſumptions had reliev'd the King's Affairs, and brought the Crown-Revenue once more into a flouriſhing Condition.

But *Henry* the Eighth not only ſpent the immenſe Sum left him by his Father, but likewiſe a great Part of that Revenue which came to the Crown by ſeizing the Abby-Lands, which amounted to * 131607 *l.* 6 *s.* 4 *d. per Ann.* However, he who conſiders the Hiſtory of thoſe Times, and how much this Prince made himſelf the Arbiter of *Europe*, will find his Money was not ſo unprofitably ſpent as is vulgarly imagin'd. Beſides, † great Sums were laid out on building and fortifying many Ports in the Channel, and other Parts of *England*, which were rais'd by the Sale of Abby-Lands.

* Hiſt. of the Reform. Part 2. p. 268.

† *Ibid.* p. 269.

But notwithſtanding the expenſive Temper of this Prince, he left his Succeſſors very ſufficient and ſubſtantial Land-

Landlords in *England*: For we found in Sir *Robert Cotton*'s Library, in a * Book, part of which is of that learned Antiquary's own Hand writing, and to which King *James* the First has set his Name, *James R.* which Book contains very many curious Things: That the Revenue of the 12th of *Elizabeth*, besides the Wards and Dutchy of *Lancaster* amounted to 188197 *l.* 4 *s. per Annum.*

* *Cleopatra*, F. 6. Fol. 51.

The Writer of these Papers does not remember to have met with any Thing relating to Resumptions in the Reign of Queen *Elizabeth*; but the Reason why nothing of that Nature should be done in her Time, is very obvious; her Father had alienated from the Crown a great Part of the Abby-Lands, or exchang'd 'em for other Lands (as a Multitude of Acts pass'd to that Purpose in his Reign Witness:) And it was a strong Security to the Protestant Religion and Interest, that those Estates should remain in the Hands and Possessions of private Persons.

A Resumption was thought on in the Reign of King *James* the First, of which the forementioned Tracts of Sir *Robert Cotton* are a sufficient Evidence: Besides, in the † Annals of those

† Annals of King *Jam.* p. 10.

thoſe Times, 'tis ſaid to have been debated in Council.

But in the Reign of King *Charles* the Second, a Reſumption was again agitated, for we find in the Journals of the Houſe of Commons, *Martis* 22 *Die*, *Maii*, 1660. 'A Bill for making void of 'Grants made ſince *May* 1642, of Titles 'of Honor, Mannors, Lands, Tene-'ments and Hereditaments, paſs'd un-'der ſeveral great Seals by the late King '*Charles*, or the King's Majeſty that now 'is, or any other great Seal, was this 'Day read the ſecond Time, and upon 'the Queſtion, committed, *&c.*

And as a Mark that theſe Alienations of the Crown-Revenue were always diſtaſteful to the People of *England*; and to ſhow that the Houſe of Commons deſir'd, that a new Prince ſhould betimes know the Nation's Sence in this Matter, we ſhall produce the following Reſolves of that Parliament which reſtor'd King *Charles*.

Martis 4 *Die Sept.* 1660. 'Reſolv'd, 'That this Houſe doth agree with the 'Committee, That a Bill be brought in 'for Settling the Lands of the Crown, 'ſo as that no Grant of the Inheritance 'ſhall be good in Law, nor any Leaſe 'for more than Three Lives, or One and

'and Thirty Years, where a Third Part 'of the true yearly Value is reſerv'd 'for a *Rent*, as it ſhall appear upon a 'Return of a Survey, which that Act 'is to take Order for, to be ſpeedily 'had and taken, and that Mr. Sollicitor 'General, and Mr. Serjeant *Glyn*, do 'prepare and bring in a Bill accord-'ingly.

'*Reſolv'd*, That this Houſe doth a-'gree with the Committee, That the 'King's Majeſty be humbly deſir'd from 'this Houſe to forbear to make any 'Leaſes of the Lands, or other Grants 'of the *Revenue* of the Crown, till the 'ſaid laſt mention'd Act be paſs'd.

And the *Reaſon* why theſe good *Reſolutions* took no Effect, is not at all difficult to diſcover. 'Tis to be fear'd that too many (we mean without Doors) in thoſe corrupt Times, not only were concern'd in the Grant already made, but likewiſe did deſign, as it prov'd afterwards, to get for themſelves what remain'd of the King's Lands.

And now for a full Anſwer to thoſe who pretend *Reſumptions* had never any Effect, we ſhall produce a State of the Crown-*Revenue*, as it lay before the Houſe of Commons the ſame Year.

'*Martis*

'*Martis die* 4. *Sept.* 1660. 'Sir *Heneage Finch* reports from the Committee, That according to the best Information the Committee could receive, and by Estimate, the Revenue amounted to 819398 *l. per Annum, viz.*

	l.
'By Customs.	400000.
'By Composition for the Court of Wards.	100000.
'The Revenue of Farms and Rents.	263598.
'The Office of Postage.	21500.
'The Proceed of *Dean* Forest.	4000.
'The Imposition on the Sea-Coal exported.	8000.
'Wine-License, and other Additions.	22300.
Total	819398.

From which Accompt it appears, that notwithstanding the Profusion of *Henry* the Eighth, and the irregular Bounty of K. *James* the 1st. to his *Scots*; the Land-Revenue of the Crown, which *Anno* 28. *Hen.* 6. when the Parliament made the first formal and regular Resumption, was reduc'd to 5000 *l. per Annum*, came afterwards (with the Forest of *Dean*) to amount to 267598 *l. per Annum.*

Our

Our Princes have seldom been known to purchase Lands. The Abby-Lands could not make this great Increase; besides, 'tis notorious, K. *Henry* the Eighth either sold or gave away a great Part of the Church-Lands: From all which it must follow by undeniable Consequence, that the fore-mention'd Acts of Resumption did restore the Crown-Revenue, consisting in Rents and Farms, to the State and Condition, wherein it was in the beginning of King *Charles* the Second's Reign.

And *Lastly*, For their Satisfaction, who pretend Resumptions are against the Fundamentals of our *English* Law, we shall produce the Opinion of a Venerable and Learned Lawyer in this Point; 'tis taken out of a Book, written by Sir *John Fortescue*, Chief Justice of the *Common-Pleas*, in the Reign of *Henry* the Sixth. The Manuscript is in the *Bodleian* Library at *Oxford*; 'tis intituled, Sir *John Fortescue*'s Treatise *De Dominio Regali*, and *De Dominio Regali & Politico*. But let the Author himself speak with his Old *English* Heart, as well as in his Old *English* Words.

CHAP.

CHAP. XI.

Hereafter ys ſchewyd what of the Kyng's Lyvelood geven away, may beſt be takyn ageyne.

—— 'The Kyng, our Souve- *Bib. Bodl. Digb.* 145
'raign Lord, had by times ſethen he
'Reyned upon us Lyvelood, in Lord-
'ſhipps, Londs, Tenements and Rents
'nere hand to the Value of the 5th Part
'of his Realme, above the Poſſeſſions
'of the Chirche; by whiche Lyvelood
'if it had abydyn ſtill in his Hands, he
'had been more mighty of good Re-
'venues, than any of the ſayd Two
'Kyngs [*ſc.* the Kyng of *France* or the
'Sowdan of *Babylon*] or any Kyng that
'now reyneth upon Criſten Men. But
'this was not poſſible to have done, for
'to ſum parte thereof the Heyres of
'them that ſum time owyd it be re-
'ſtored, ſum by reaſon of Taylys, ſum
'by reaſon of other Tytles, which the
'Kyng hath conſidered, and thought
'them good and reaſonable. And ſum
'of the ſame Lyvelood hys good Grace
'hath gyven to ſuch as hath ſervyd
'him ſo notably, that as their Renown
'will be eternal, ſo it befetteth the Kyngs
'Magnificence to make their Rewards
'everlaſting in their Heyres to his Ho-

'nour, and their perpetual Memory.
'And alſo the Kyng hath gyven parte
'of Lyvelood to his moſt honourable
'Brethren, which not onley have ſervid
'hym in the manner aforeſaid, but byn
'alſo ſo nygh in Blode to his Highneſſe,
'that it befet not his Magnificence to
'have done otherwiſe. Nevertheleſſe
'ſome Men have done hym Service for
'which it is reaſonable that his Grace had
'rewardyd them, and for lack of Mo-
'ney the Kyng than rewarded them
'with Lond: And to ſum Men he hath
'done yn likewiſe above their Demerits
'thorow Importunite of their Sewtes.
'And yt is ſuppoſyd that to ſome of
'them is gyven a C *l.* worth Lond yere-
'ly, that would have hould him con-
'tent with CC *l.* in Money if they might
'have had it in hande; wherefore yt is
'thought yf ſuch Giftes and namely
'thoſe which have byn made inconſy-
'derately, or above the Merits of them
'that have them, ware reformyd, and
'they rewardyd with Money or Offi-
'ces or ſomewhat Lyvelood for terme
'of Life which after their Deths wold
'then return to the Crown, the Kyng
'ſchuld have ſuch Lyvelood as we now
'ſeke for ſufficient for the Maintenance
'of his Eſtate. And yf yt would not

'then

'then be ſo grete, I hold yt for un-
'doubtyd that the People of this Lond
'wol be wyllyng to graunte hym a Snb-
'ſidye upon ſuch Commodities of his
'Realm as be before ſpecifyd as ſchal
'accompliſh that which ſchal lack him
'of ſuch Lyvelood. So that his High-
'neſſe wol wel eſtabliſh the ſame Lyve-
'lood then remaynyng to abide perpetu-
'ally to his Crown without tranſlatyng
'therof to any other Uſe. For when
'that ſchal happyn hereafter to be given
'hytte ſchal nede that his Commons
'be chargyd with a newe Subſidye and
'be alwaye kepte in Povertie.

Hereafter ys ſchewyd why yt needeth that there be a Reſumption.

'We found by grete Cauſys yt was nede-
'full, that all ſuch Gyftes as have ben made
'of the Kynges Lyvelood inconſyderately
'as not deſervyd, or above the Merites of
'them that hath getyn them were re-
'formyd, ſo that they which have done
'Service be not over rewardyd, which
'thyng as me thynketh may not perfitly
'be done without a general Reſumption
'made by Act of Parlement. And that
'ther be gevyn the Kynge by the Au-
'ctorite of the ſame Parlement, a grete

'Subsidye with which his Highnes with
'the Advice of his Counceil, may re-
'ward those that have deservyd rewards,
'and ought not therefore to have parte
'of his Revenues, by which his Estate
'must nedes be mainteyned, or ought not
'to have so much of the Revenues as they
'have now, or not so grete Estate in the
'same. Consyderyng that all such ge-
'ving away of the Kynges Lyvelood is
'harmfull to all his Leige Men, which
'schal therbye, as is before schewyd be
'artyd to a new Charge for the Susten-
'tation of his Estate. But yet or any
'such Resumption be made yt schal be
'good, that an honorable and notable
'Counceil be estáblyshyd, by the advyse
'of which, all new Gyftes and Rewards
'may be moderyd and made, as yf no
'such Gyftes or Rewards had ben made
'before this time. Provyded alway,
'that no Man be harmyd by reason of
'such Resumption in the Arrearages of
'such Lyvelood as he schal then have,
'which schold ron after the Resumpti-
'on, and before the sayd new Gyftes and
'Rewards. And when such a Counceil
'is fully create and estáblyshyd, hyt
'schal be good that all Supplications
'which schal be made to the Kynge for
'any Gyfte or Reward be sent to the

'tation

'ſame Counceil and ther debatyd and 'delibered. Firſt, whither the Suppli-'ant have deſervyd ſuch Reward as he 'askyth, and yf he have deſervyd yt, 'yet yt nedeth, that yt be delibered 'whether the Kynge may gyve ſuch 'Rewards as he asketh of his Revenues, 'ſavyng to hymſelf ſufficient for the Su-'ſtenaunce of his Eſtate, or elſe ſuch ge-'vyng war no Vertue, but rather a Spice 'of Prodigality, and as for ſo much it 'war delapidation of his Crown. Wher-'for no private Perſon wol by reaſon of 'liberalite, or of reward, ſo abate his 'own Lyvelood, as he may not kepe 'ſuch Eſtate as he did before. And 'truly it war better that a private Per-'ſon lackyd his Reward, which he hath 'wel deſervyd, than that by his Reward 'the good Publicke and alſo the Lond 'were hurt; Wherfor to eſchewe theſe 'two Harmes, hyt may than be advyſyd 'by the Counceil how ſuch a perſon 'may be rewardyd with Office, Money, 'Marriage, Fraunchiſe, Privilege, or 'ſuch other thyng, of which the Crown 'hath grete Rycheſſe; and veryly if thys 'Order be kepte, the Kynge ſchal not be 'be grevyd by importunyte of Sewters, 'nor they ſchal by importunyte or bro-'cage optain any unreaſonable deſires.

'O

'O what myghty quiet ſchal growe to 'the Kynge by this Order, and in what 'reſt ſchal al hys People lyve, havyng no 'Colour of grutchyng with ſuch as ſchal 'be about hys Perſon: As they were 'wont to have for the gyvyng away of 'his Londs, and for miſcounceiling hym 'in many other Cauſis, nor of murmour 'ageyn the Kyngs Perſon for the miſgo-'verning of his Realm.

The firſt Regular Reſumption having been made in the Reign of *Henry* the Sixth, it ſeems by this Paper, which contains the Scheme of a Reſumption, that the Act for reſuming Grants, &c. paſs'd 28 *Hen.* 6. was modell'd by this able Lawyer, who was made Lord Chief Juſtice of the *Common-Pleas* 20 *Hen.* 6. and who we find to have been Chief Juſtice of the *King's-Bench* the * 28th Year of the ſame Reign.

Rot. Parl. 28 *Hen.* 6.

At the End of the Manuſcript, out of which this was tranſcribed, is this Note: *Explicit Liber compilatus & factus per* Johannem Forteſcue *Militem quondam capitalem Juſtitiarium* Angliæ, *& hic Scriptus Manu propria mei* Adriani Forteſcue *Militis*, 1532.

Our Anceſtors did not only take Care to help the Princes Affairs by Acts of Reſumption, but they likewiſe reliev'd him when

when he had been over-reach'd or deceiv'd in Releaſes, or what we now call Privy-Seals; having an Eye that ſuch as were Debtors or Accomptants to the King ſhould not be diſcharg'd without making a fair and juſt Accompt; whereof we ſhall produce a Preſident, with which we ſhall cloſe this Section.

Rex Theſaurario & Baronibus ſuis de ſcaccario Salutem. Cum Prælati Comites & Barones ad ordinandum de Statu Hoſpitii & Regni noſtri nuper virtute Commiſſionis noſtræ inde factæ Elerti inter cæteras ordinationes per ipſos factas & per nos approbatas Ordinaverint quod omnes Donationes per nos factæ ad Damnum noſtrum & detrimentum Coronæ noſtræ de terris Tenementis redditibus Cuſtodiis & Maritagiis, ac etiam pardonationes & remiſſiones debitorum poſt 16. *Diem* Martii *An. Regni noſtri Tertio quibuſcunque perſonis revocentur, & quod terræ tenementa redditus Cuſtodiæ & maritagia prædicta in Manum noſtrum reſumantur, & quod debita illa non obſtantibus pardonitionibus & remiſſionibus prædictis leventur ad opus noſtrum: Vobis mandamus quod ſcrutatis Rotulis & Memorandis dicti Scaccarii de hujuſmodi Donationibus Conceſſionibus & pardonationibus poſt prædictum* 16. *Diem* Martii *In dicto Scaccario factis & inſpecta quadam Schedula quam vobis ſuper hoc mittimus*

Rot. Clauſ. 8 *Edw.* 2. M. 11.

timus sub pede sigilli nostri omnia debita in prædictis rotulis memorandis & Schedula contenta & per vos post prædictum 16. *Diem* Martii *pardonata & remissa levari faciatis ad opus nostrum non obstantibus pardonationibus & remissionibus prædictis aut allocationibus ad dictum Scaccarium inde factis & de Exitibus de terris & Tenementis Custodiæ & Maritagiis prædictis provenientibus nobis ad dictum Scaccarium faciatis responderi Testi Rege apud* Westm. 15 *Die* Martii.

SECT.

SECT. IV.

That ſeveral Miniſters of State have been Impeach'd in Parliament for preſuming to procure to Themſelves Grants of the Crown-Revenue.

IN the foregoing Section we have taken Notice how careful the Commons of *England* have all along been, to aſſiſt by Acts of Reſumption, ſuch of their Kings as had been injur'd by immoderate Bounty. We ſhall now go on to ſhow how Parliaments have proceeded with the Inſtruments of their Profuſion, and in what manner they have handled ſuch Miniſters of State as have either wink'd at, or promoted the Depredations that were made upon their Maſter's Revenue; and eſpecially with thoſe who in Breach of their Truſt have ventur'd to enrich themſelves with Spoils ſo little

warranted by the Conſtitution of this Kingdom.

The Records we have already cited ſufficiently demonſtrate that it was ever the Opinion and Senſe of the People that the King ſhould live upon his own, and that the Nation ſhould not be burthen'd with unneceſſary Taxes and Impoſitions.

It appears likewiſe from the foreſaid Records, that when the Crown has been impoveriſhed by Gifts and Grants, new and extraordinary Courſes of Raiſing Mony have become unavoidable.

It cannot be denied but that our Kings have very anciently preſcrib'd a Power of Alienating the Publick Revenues, but it may admit of a Queſtion, whether this was not more *de Facto* than *de Jure*, and 'tis not quite ſo clear that from the beginning it was ſo; on the contrary it rather ſeems one of thoſe Incroachments which Flattery and Compliance have ſupported.

For it would not be difficult to make appear that in all theſe Gothick Governments founded upon the Principles of Liberty, the Publick Revenues were eſteem'd to belong as well to the Kingdom as to the King. * *Bodinus* ſays it was held as a Maxim in *France*, That

* *De Republ.* l. 6.

the Propriety of the Crown-Lands was not in the Prince; That 'twas esteem'd as a Fundamental in *France, Spain, Poland* and *Hungary*, that the Crown-Lands were not alienable: Which Opinion has been confirm'd by Decrees of the Parliament of *Paris*. King *Charles* the V. and VII. would not have the Crown-Lands engag'd but by Consent of Parliament. * *Mezeray* says, *Le Domaine des Roys, & du bien de l'Eglise, etoient inalienables.* And that tho' their Kings were now and then constrain'd to make Grants, *C'estoit à vie seulement, & a titre de Gratification*; *C'est pourquoy ils les nommoient des* Benefices, *mot qui n'est demeuré que dans l'Eglise.* † *Bodinus* says, all Monarchies and States have held it for a general and undoubted Law, That the Crown-Lands should be holy, sacred and inalienable; and that the Maxim is grounded upon this wholesome Policy, That the Wants of the Prince might not compel him either to overcharge his whole People with Impositions, or to seek for Wealth by confiscating the Estates of private Men. * *Lewis* XII. who was term'd the Father of his Country) would not mix his Revenues and Patrimony with what belong'd to the Publick, erecting separate Offices

* *Vie de Charlemagne.*

† *Lib.* 6.

* Ibid.

*Cot. Poſt. p. 179. to that purpoſe. Sir * *Robert Cotton*, an Author of great Weight in all theſe Matters, ſays (as we have noted before) that in *England* our Anceſtors held it impious to alienate the ancient Demeaſne Lands of the Crown.

We have taken Notice, in the ſecond Section, of the difference the *Roman* Emperors made between the *Fiſcus*, and the *Ærarium*, the firſt of which was the private Patrimony, and in the other the People had a Right.

Of this very Thing there are Footſteps in *England*. That is, there was anciently a Difference made between the *Scaccarium* and the *Hannaperium*, and

*Spel. Gloſ. p. 278. * *Spelman* ſeems to liken the *Scaccarium* or Treaſury to the *Ærarium*, and the *Hannaperium* or *Hamper* to the *Fiſcus*

† p. 331. *Principis.* † *Hannaperium*] *Fiſcus* [illegible] *ſporta grandior in Cancellaria Regis, in* [illegible] *inferuntur Pecuniæ é Sigillatione diplomatum, Brevium, Chartarum Regiarum* &c. *provenientes.* For this Branch of the Revenue as we are inform'd, the Chancellor in old times did not accompt in the Exchequer; it being look'd upon as the Princes private Patrimony, or for his Privy Purſe, and ſo to be diſpos'd of without any Accompt. It was formerly a Clauſe in moſt Grants,——*Sine alia*

Fu

Fine vel Feodo magno vel parvo nobis ſolvendo in Hannaperio. Which Fine went to the King's private Purſe. Heretofore when much Land was in the Crown the *Hamper* yielded ſo conſiderable a Sum, as that it was thought fit to be included in all the Acts of Reſumption; for large Penſions being begg'd out of it, the Parliament judg'd it their Duty to take care as well of what was reckon'd the Princes *Peculium*, or private Patrimony, as of what belong'd jointly to him and the Publick, which was done in other Inſtances, as where they reſumed *Annis* 3 & 4, 7 & 13, *Edw.* 4. his Family Inheritance of the Dutchy of *York* and Earldom of *March*.

But this difference, with many other good Forms of our old Government, is laid aſide. * *Nulla penè jam nobiſcum habita Pecuniæ Publicæ & privatæ diſtinctione, cùm ſit utráque; in ſolius Principis Arbitrio.* And from the time of *William Rufus*, our Kings have thought they might alienate and diſpoſe of the Crown-Lands at Will and Pleaſure; and in all Ages not only Charters of Liberties and Franchiſes have been given, but likewiſe Letters Patents for Lands and Mannors have actually paſs'd in every Reign.

* *Spel. Gloſ.* p. 278.

Nor would it have been convenient that the Princes Hands ſhould have been abſolutely bound up by any Law, or that what had once got into the Crown, ſhould have been for ever ſeparated from private Poſſeſſion: For then, by Forfeitures and Attaintures, he muſt have become Lord of the whole Soil in a long Courſe of Time; The Conſtitution therefore ſeems to have left him free in this Matter, but upon this tacit Truſt, (as he has all his other Power) that he ſhall do nothing which may tend to the Deſtruction of his Subjects.

However, tho' he be thus truſted, 'tis only as Head of the Common-wealth; and the People of *England* have in no Age been wanting to put in their Claim to that in which they conceiv'd themſelves to have a remaining Intereſt, which Claims are the Acts of Reſumption that from time to time have been made in Parliament, when ſuch Gifts and Grants were made, as became burthenſome and hurtful to the Publick.

Nor can any Government or State diveſt it ſelf of the Means of its Preſervation: And if our Kings ſhould have had an unlimitted Power of giving away their whole Revenue, and if no Authority could have revoked ſuch Gifts, every pro-

profuſe Prince, of which we have had many in this Kingdom, would have ruin'd his Succeſſor, and the People muſt have been deſtroy'd with new and repeated Taxes, for by our Duty we are likewiſe to ſupport the next Prince: So that if no Authority could look into this, a Nation muſt be utterly undone without any way of redreſſing it ſelf; which is againſt the Nature and Eſſence of any free Eſtabliſhment.

Our Conſtitution therefore ſeems to have been, that the King always might make Grants, and that thoſe Grants, if paſs'd according to the Forms preſcribed by the Law, were valid and pleadable againſt not only him, but his Succeſſors. However at the ſame time 'tis likewiſe manifeſt that the Legiſlative Power has had an unconteſted Right to look into thoſe Grants, and to make them void whenever they were thought exorbitant. And therein wiſe Kings have given way, and not thought it diſhonourable to join with their People in that which was judg'd to be for the Eaſe and Benefit of the major part.

But becauſe in Acts of Reſumption the Legiſlature exerts it ſelf in an extraordinary manner, and becauſe 'tis a Cordial of a very ſtrong Operation, and for

that ſuch Acts muſt of Neceſſity break into private Contracts, Marriage-Settlements, Sales upon a valuable Conſideration, and in many other Inſtances, the Law has fenc'd the King's Revenue with Reſtrictions and wholſome Conſtitutions, it has preſcrib'd Forms by which Grants and Gifts ſhould paſs, it has erected ſeveral Checks, and truſted thoſe Checks in the Hands of high Officers of the Crown; And laſtly, the Laws have call'd to Accompt, and ſeveerly puniſh'd many Men of great Birth and Figure for breaking down theſe Fences; by all which our Anceſtors ſeem to have deſir'd and deſign'd preventing Miſchiefs in their Growth, and that Recourſe ſhould be had to extraordinary Remedies as ſeldom as poſſible.

And Firſt, That not only his common Expences, but that alſo his Liberalities might be ſupply'd without diminution of the Capital, innumerable Laws did provide that he might be neither deceiv'd in his Receipts nor in his Payments, beſides which the *Introitus* and *Exitus* of the Exchequer was originally contriv'd with Check upon Check, and with all the Care and Art imaginable.

But

But all theſe good Methods were very early overthrown by the Negligence of ſome Princes, but more through the Corruption of their Miniſters.

Henry the IV. who had depos'd his Predeceſſor, and who came in upon the Foot of Reformation, began to make Regulations, and reſtore ſome Order in the Revenues of the Crown.

In the firſt Year of his Reign the Commons complain'd of outragious Grants, and of great Sums of Mony releaſed to undeſerving Perſons, the King not perceiving the hurt done him at the time of the Grant. They pray that ſuch Grants upon good Deliberation may be recall'd, and that from thenceforth he would make no Grant but with the Advice of his Council. The King Anſwers, *He will be advis'd by the wiſe Men of his Council.* And thereupon ſeveral good Regulations relating to the Paſſing of Grants are eſtabliſh'd, but take the Record.

Et auſyn qil ne ſoit deceux en les Grantes ou douns annuelx ou en fee, ou en aſcunes Offices per luy a faires ou a Granters, en temps avenir, il voet, de laſſent des Seignours Eſpirituelx & Temporelx, & des Communes, qe touts ceux qi demanderont du Roy Terres Tenementes Rentes Offices An-

1 *Hen.* 4. *Rot. Parl.* Num. 98.

Annuitees ou autres profites qeconqes, facent expreſſe mencion en lour Petitions de la value de la choſe enſi a demander, & auxi de ceo qe ils ont eue du donne le Roy, ou des autres ſes Progenitours ou Predeceſſours per devant; & en cas qe ils ne facent tiel mencion en lour dites Petitions, & ceo duement proeve, ſoient les lettres patentes du Roy ent faites nient vaillables ne de uulle force neffect, mes de tout revoqes, repelles & adnuelles pur toutz jourz au puniſſement de ceux qe enſi ount fait tiel deceit, ou Roy come ceux quy ne ſont pas dignes denjoier leffect & Benefice des Lettres Patentes a eux Grantez en celle partie.

This Acts directs, that in the Petition to the King for any Gift or Grant, expreſs mention ſhall be made of the true Value of the thing petition'd for, and that mention be made of what other Gift or Grant the Petitioner has had from the King or any of his Predeceſſors; and if all this be omitted, the Grant to be void.

4 *Hen.* 4. *Rot. Parl.* Num. 31. In the fourth Year of his Reign, He declares he will grant no Lands but to ſuch who ſhall deſerve them, as ſhall beſt ſeem to Him and Council; and if any make demand without deſert, he ſhall be puniſhed by the King and his Council, and not obtain his Suit.

In

In the eleventh of his Reign, it was enacted, That all manner of Hereditaments which from thenceforward ſhould fall into the Crown, ſhould not be alienated but remain to the King. 11 *Hen.* 4. *Rot. Parl.* Num. 23.

Thus did this wiſe King, by keeping the Life-Blood of the Body-Politick within its proper Veins, add to it ſo vigorous a Health, that his Son was in a Condition to attempt and ſucceed in the Conqueſt of *France*.

And by his Reſumptions, and by the good Order he had ſettled in his Revenues, he enabled *Henry* the V. to go on in thoſe great Undertakings, without laying any extraordinary Burthens upon the People. * Sir *Robert Cotton* ſays, That during *Henry* V. Reign of nine Years, there was no Charge laid upon Land. Out of the Goods of the Commons, he received ſix times the tenth, and fifteenth entirely, and once two thirds only of ſtaple Wares; A Subſidy once for four Years, and after for his Life: Three Shillings Tunnage, and 12 Pence Poundage for the like terms as the former Subſidies. And thrice he had the Tenth of his Clergy. All which was but very little, conſidering the great Actions he perform'd; but he himſelf was a wiſe Man, and his Father

* Anſwers to the Reaſons for Foreign Wars, *p.* 47.

ther had left him an honeſt and able Set of Miniſters.

But long before either of theſe Reigns, the King's Revenue was a particular Object of the Parliaments Care; And they endeavour'd to keep his Affairs within ſuch a Compaſs, that the People might not be burthen'd with new Taxes; which they try'd to bring about by the following Methods.

1. By Regulating the Expences of the King's Court. * *Anno* 3. *Edw.* 2. An Ordinance was made, *Pro Hoſpitio Regis*, in eaſe of the People. *A l'honneur de Roy & a ſon profit, & au profit de ſon peuple, ſelon droit & reſonel ſerment que le diſt noſtre Signeur le Roy fiſt a ſon Coronement.* * *Anno* 36. *Edw.* 3. The Houſehold was regulated at the Petition of the People. † *Anno* 1. *Rich.* 2. The Houſehold was brought to ſuch a Moderation of Expence as might be anſwerable to the Revenues of the Crown. * *Anno* 11. *Hen.* 4. The Expences of the King's Houſehold were moderated; the Reaſon the Commons gave for it, was, *Qe vous poiez vivre de vos biens propres en eeſe de voſtre Peuple.*

* *Edw.* 2. *Ex. Ang. M. S.* Fol. 29.

* *Rot. Parl.* 36. *Edw.* 3.

† *Rot. Parl.* 1 *Rich.* 2. Num. 19.

* *Ex ordinat. in Rot. Act. Concil. An.* 11 *Hen.* 4. *mark'd* R. R.

2. By

2. By desiring the King to employ wise and able Men in his Affairs, as was done, * *Anno* 6. *Rich.* 2. And by desiring the King to make use of such Persons as were renown'd for Virtue, as was done, † *Anno* 5. *Hen.* 4. And by appointing certain Persons by Name to be of the Privy Council at the King's own desire, as was done, * 7 & 8. *Hen.* 4. for which the principal Reason given in the Record, is, the Improvement of the King's Revenue. *Premierement pur la Conservation des Droits de nostre Seignour le Roy, & de sa Carone, & qe le Revenu dycell soient mieulx Coillez a son Profit & encrescez a tant come home poet justement le faire, a fyn qil poet le mieulx son honorable Estat sustinir.* And Note, that just before the Passing this Act, there pass'd an * Act to Banish Foreigners.

* *Rot. Parl.* 6 *Rich.* 2. Part 2. Num. 16.

† *Rot. Parl.* 5 *Hen.* 4. Num. 19.

* *Rot. Parl.* 7 & 8. *Hen.* 4. Num. 31.

* *Rot.* ib. Num. 29.

3. By procuring the Banishment of Great Men, and particularly Foreigners, by whom the Mony of the Nation was consumed. Thus the Weight of the People prevail'd upon * *Henry* II. to banish *William de Ipre* Earl of *Kent* a *Netherlander*, and all his Countrymen, when they were become a Burthen to the State. They prevail'd likewise upon † *Richard* I. to send away *Otho* Earl of *York*, tho' he was

* *Hen.* 2. ex *Gervas Dorobern.*

† *Rich.* 2. ex *Rich. Canonico in Vit. Rich.* 1.

was his own Nephew, with all his *Bavarians*. And he took from *Otho* the Earldom of *York*, becauſe it offended the People that a Foreigner ſhould enjoy ſo high a Title; and in exchange he gave him the Title of *Poictife*. * *Henry* III. (as we have noted before) was compell'd to Baniſh his half Brothers, the Earl of *Pembroke* and the Biſhop of *Wincheſter*, who had more than any others help'd to impoveriſh that profuſe Prince. At the ſame time all the *Poictovins* were baniſh'd. *Edward* II. was neceſſitated to ſend away *Pierce Gaveſton*, and others, as appears by his Ordinance. † *Qe tout le Lignage ſire Pieres Gaveſton ſoit entirement ouſte de eſtre entoins le Roy & de ſon Service, Item Burgois de Til ſoit ouſte & ſon Fias qe eſt Mereſchal d l'eſcheqer ; Item qe Bertram Aſſabi & ſon Frere & ceux de Gaſcoigne, & Aimerick de Friſcomband ſoint ouſtre & ſes terres priſes en le main le Roy.* In the 11th of * *Richard* II. an Act of Parliament paſs'd to baniſh the *Bohemians* who were Hangers on upon the Court, and help'd to undo that unfortunate King. In the 5th of † *Hen.* IV. All Foreigners, except ſome few about the Perſons of the Queen and Princes, are baniſh'd the Court, and the Reaſon given for it is that they were a Burthen

* *Hen.* 3. Ex lib. St. Alba & Will. Rishang. & lit. Baron Papæ

† Ex Ordinat. 3 Edw. 2. in lib. Legum Manuſcr. fol. 285.

* Rot. Parl. 11 Ri. 2. Part 1. Num. 28.

† Rot. Parl. 5 Hen. 4. from Num. 26. to Num. 31. exclus.

and

and Charge upon the King. *Et qe le Houſtiell de noſtre dit Seignour le Roy ne feuſſe chargez oveſqe tielx eſtrangers. Mais qe ycell Houſtiell purroit eſtre mis en bõne & moderate Governance dont les Couſtages purroint eſtre ſupportez des Revenues del Roialme oveſqes autres charges neceſſaires.*

4. By appointing Commiſſioners to inſpect the Publick Accompts, as was done in the Caſe of *Furnival* and Maſter *John Pelham*. Theſe two Gentlemen, at the Parliament held at *Coventry*, had been made by the Houſe of Commons particular Treaſurers for certain Aids then granted towards carrying on the War. In the 7th and 8th of *Henry* IV. They pray to have leave to quit their Employments (a Modeſty and Self-Denyal not very common in this Age) and that their Accompts might be paſs'd, upon which the Houſe of Commons directed Perſons to audit and ſtate the ſaid Accompts. The Record is very curious, we ſhall therefore give it in Words at length, **Item meſme le Jour, le dit Mr. John* [*Tibetot* then Speaker] *monſtra de par les ditz Communes coment, au Parlement nadgaires tenuz a Coventre, Thomas ſire de Furnival & Mr. John Pelham furent aſſignez Treſorers pur les Guerres Come pierd de Record en Rolle de Parlement, puis qel Temps*

* *Rot. Parl.* 7 & 8 *Hen.* 4. Nu. 44.

Temps les ditz Treſorers ont deſirez, & molt diligeamment purſais as diverſes foits a noſtre Seigneur le Roy, & as toutes les Eſtates de ceſte preſent Parlement, de eſtre deſchargez de lour dit Office, & auxint ont ſuppliez as dits Communes, qe leur pleuſt de faire inſtance & requeſt pur meſme les Treſorers, a meſme noſtre Seigneur le Roy, & as touts les Eſtates ſuiſdits, pur eux finalement & outrement deſchargier de lour dit Office. Sur quoy pria le dit Mr. John Tibetot en nom des dits Comunez a meſme noſtre Seigneur le Roy, qe les dits Treſorers ſoient outrement & finalement deſchargiez de lour dit Office. Et qe leurs Heirs Executours ne Terre Tenants ne ſoient aucunement en temps avenir grievez moleſtez enquietez ou empechez a cauſe du dit Office ou pur le exercice de ycelle, & qe ceſtes prier & reqeſt ſoient entrez de Record en Rolle de Parlement.

Qeux prier & reqeſt noſtre dit Seigneur le Roy graceouſement ottroia; & purtant qil ad pleu a noſtre dit Seigneur le Roy qe les dits Treſorers ſoint deſchargiez de lour dit Office, & de aſſigner certains Auditours, ceſt aſſavoir le Seignour de Roos & le chief Baron de le Eſcheqer, & qil eſt la volonte du Roy a ceo qe les dits Comunez ont entenduz, qe meſmes les comunez deuſſent nomer autres Auditours, doier & terminer les Accompts des dits Treſorrers, du temps paſſe, Meſme

yceux

yceux Comunes ont nomez certains Perſones compriſes en une cedule delivre per les dits Comunes en Parlement, tielx come leur ſemble neceſſaires en ceo cas, pur le poure eſtat de les Comunes deſſuis dits, Ceſt aſſavoir.

Mr. Hugh Lutherel,
Mr. Richard Redeman,
Lawrance Drewe,
Thomas Shelrey,
David Holbeche,
William Staundon,
} *Cinq Qatre Trois ou Deux de Eux.*

Furnivale and Sir *John Pelham* (for ſo he is call'd afterwards) were, as the * Record ſays, *Ordeignez Treſoreres de les Guerres*, or what we call Paymaſters of the Army, and preſs'd the Parliament to take their Accompts: An Example which we hope all their Succeſſors in that Employment will deſire to follow. The Powers likewiſe which the Parliament gave to theſe Commiſſioners are fit to be obſerv'd. *Qe pleiſe a voſtre tres gracieuſe Seignourie, de ordeigner qe les dits Auditours enſi nomez, ſoint Auditours de Record, eiants plein poair & authoritie du Parlement de Oier & Terminer le dit Accompte; & de faire Allowance as avant dits Treſorers, ſi bien de les Paiments & delivrances par eux faits, per vertue & authorite des*

* *Rot.* ibid. Num. 63.

vos Lettres & Mandements deſſous voſtre Seale a eux directs, pur les cauſes ſuiſdits & ſur les Dependantz dycelle, Come de les Paiments & Delivrances per meſmes les Treſorers, per Authorite de lour dit Office faits pur ſemblable Cauſes & les Dependantz dycelle.

That is, Power was given not only to inſpect but finally to conclude the ſaid Accompt. To which the King aſſented. And it ſeems our Anceſtors thought ſuch a Commiſſion neceſſary to hinder the Publick Mony from being embezzel'd.

5. Parliaments have preſerv'd the King's Revenue by inquiring into the Cauſe why ſome Branches yielded nothing, as in *Edw.* 3d's. Reign it was ask'd, Why *Ireland* was rather a Burthen than a Profit to the Crown? The Commons deſiring if the Fault lay in the Miniſters, that they may be remov'd. *

* *Rot. Parl.* 21 Edw. 3. Num. 41. *Item pleiſe a noſtre Seignour le Roy faire enqerer per bons Gents la Cauſe purqoi il ne prent profit de ce qil ad in Irland come tout ſes Anceſtres avoint Aide de luy & de la Comune pur meyntenir ſa guerre depuis qil ad plus en Irland qe uulle de ſes Anceſtres navoint, & ſi defaute ſoit trove en ſes Miniſtres laundreit qe autrez y ſoient ordeignez en lour lieu, tieux qi voudreut reſpondre*

au Roy du Profit qil averoit dilloqes de reſon. Reſp. Il pleſt a noſtre Seignour le Roy qe enſi ſoit.

Theſe were ſome of the Methods by which the Houſe of Commons endeavour'd to preſerve the Crown-Revenue from the greedy Hands of thoſe who were always deſiring therewith to inrich themſelves. But the Kings greateſt Safety lay in the very Conſtitution of the Exchequer, which if bad Miniſters had not broken into, our former Princes could not have been robb'd ſo much to the Impoveriſhment of the People.

The Conſtitution of the Exchequer, we may rather call it the Conſtitution of the Kingdom, has contriv'd to put a great many Letts and Obſtructions in the way of deſigning Favourites and rapacious Followers of the Court, and that no Grant ſhould paſs from the King but upon ſtrict Inquiry and after mature Deliberation.

In order to which the State thought it neceſſary to be at the Expence of ſeveral Great Officers, who ſhould be as ſo many Centinels continually watching that the King may not be ſurprized nor defrauded.

Regularly and according to the Laws of the Land, Grants from the

Crown ought to make the following Steps.

The Petition is firſt made to the King, in which (as we have noted before) the Petitioner ought to incert the true and expreſs Value of the Thing demanded.

The King refers this Petition to the Treaſurer of the Exchequer, now call'd Lord High Treaſurer of *England*, whoſe firſt Step is to have a Particular of the Thing petition'd for from the Auditor, if it lies before him, or from the King's Remembrancer, if it lies before him: This Care is taken that the State may not be deceiv'd in the value of the Thing.

ThePetition is firſt referr'd to this High Officer becauſe the Law preſumes that the whole State and Condition of the Revenue lies before him, that he knows what Debts and Engagements the King has upon him, and whither the Expences of his Wars, and the other neceſſary Charges of his Government, are not ſuch, as for the Peoples Eaſe, and by the Rules of Juſtice ought for the preſent to reſtrain his Bounty. If the Thing to be granted be of great Value, if it cannot be given away without great Damage to the Crown, if by reaſon of ſuch Gift he

he is hindred from paying his juſt Debts, or from having wherewithal to defray the Charges of the Government, or to provide for the Kingdoms Defence; or if by this and other Gifts he muſt be driven through the failing of his own Revenue, to lay heavy Burthens upon the People; 'tis the Duty of the Lord Treaſurer to repreſent the whole Matter honeſtly and impartially to the King, and to hinder the Grant from proceeding any further. And as a Tie upon him he takes the following Oath. " Ye ſhall " ſwear, That well, and truly, ye ſhall " ſerve the King our Soveraign Lord, " and his People in the Office of Trea- " ſurer; and ye ſhall do right to all " manner of People, Poor and Rich, of " ſuch Things as toucheth your Office; " And that King's Treaſure truly ye " ſhall keep and diſpend; And truly ye " ſhall counſail the King, and his Coun- " ſel ye ſhall layn, and keep; And that " ye ſhall neither know nor ſuffer the " King's Hurt, nor his diſ-heriting, nor " that the Rights of his Crown be di- " ſtreſſed by any means, as far forth as " ye may let; And if ye may not let it, " ye ſhall make knowledge thereof clear- " ly and expreſsly, to the King, with " your true Advice, and Counſel: And

" ye ſhall do, and purchaſe the King's " Profit in all that ye may reaſonably " do, as God you help, and the Holy " Evangeliſts. " It was hardly poſſible to deviſe a more binding Oath. And the Words *Ye ſhall well, and truly, ſerve the King our Soveraign Lord, and his People in the Office of Treaſurer,* are an Evidence that our Foreſathers took themſelves to have ſome kind of Intereſt in what was call'd the Crown-Revenue.

If the Grant meets with no Objection at the Treaſury, the King ſigns a Warrant directed to the Attorny or Sollicitor-General, who is another Great Officer, impowering him to prepare a Bill containing ſuch a Grant. And if the Grant be of Mony appropriated by Act of Parliament, or of Lands annex'd to the Crown by Act of Parliament, or if the Grant be any ways illegal or prejudicial to the Crown, it is the Attorny or Sollicitor-General's Duty to advertiſe thereof.

After Mr. Attorny has paſs'd it, it goes to the Signet, the Cuſtody whereof is in the Secretary of State, who being a Miniſter in high Office is preſum'd by the Laws to be watchful for the King's Good, and to inquire into all Matters relating to the Weal Publick. He is preſum'd

ſum'd to be apris'd of the Perſons Merits to whom the Grant is to be made, and likewiſe to underſtand either the Affluence or Want in the King's Coffers, and the general Condition of his Revenue. And having an Allowance for Intelligence, he is preſum'd to know the Diſcourſes and Opinions of the People, and how ſuch Grants are reliſh'd: If therefore the Perſon ſuing out the Grant has no Merit at all, or at leaſt no ſort of pretention to ſo great a Reward, or if he knows the Publick to be preſs'd with Wants and Debts; or if he hears that the People murmur at the Taxes which Profuſion introduces, and Clamour to ſee the Nations Mony waſted, by his Duty, as Privy Councellor, and by his Oath he is bound faithfully and plainly thereof to inform the King.

From the Signet it ſhould go to the Privy Seal, who is likewiſe another Great Officer; who being near the Perſon of the King, is preſum'd to know the Condition of the Kingdom; and therefore the Law has made him another Check. He takes this Oath: "Ye ſhall "as far forth as your Cunning and Diſ-"cretion ſufficeth, truly, juſtly and "evenly execute and exerciſe the Of-"fice of Keeper of the King's Privy Seal,

" to you by his Highneſs committed, not " leaving or eſchewing, ſo to do for " Affection, Love, Meed, Doubt, or " Dread of any Perſon or Perſons, *&c.* So that if the Lord Privy Seal, finds that through Corruption in other Offices, or that by Power, Importunity, or partial Favour, a Grant, tending greatly to the Publick Damage, and to the Diminution of his Prince's Revenue, has paſs'd ſo far as to his Office, he ought to ſtop it there, and is bound in Duty, and by his Oath, to lay the whole Matter before the King.

From the Privy Seal it goes to the Great Seal, in the Cuſtody of the Lord Keeper, or Lord Chancellor of *England*, who is accompted the Kingdom's, as well as the King's Officer, and there the Grant is compleated; upon which ſcore, in the Eye of the Law, this Great Miniſter is moſt look'd upon; his Oath is the ſame with that of the Lord Treaſurer. He ſwears, " Well and truly " to ſerve the King and his People in " the Office of Chancellor, truly to " Counſel the King, not to ſuffer his " Hurt or Diſ-heriting, nor that the " Rights of the Crown be diſtreſs'd, " by any Means, as far forth as he " may let; And if he may not let it,

" he

" he is to make it clearly and expreſly " known to the King, with true Ad- " vice and Counſel; And, in all that " he may, he is to do, and purchaſe " the King's Profit." So that more than any other, as the higheſt Officer, and as the laſt Check, the Laws preſume him to conſult for the King's good. Therefore if the Grant be exorbitant, if it be made to an undeſerving Perſon, if it notoriouſly ſurpaſſes the Merits of the Suitor, if it was obtain'd upon wrong Suggeſtions, if it occaſions Obloquy to the Government, or Diſcontent among the People, if the King's Debts are many and clamorous, if the Nation labours, at the ſame time as the Gift is made, under heavy Taxes; and if the Grant tends greatly to the Hurt and Impoveriſhment of the Crown (with all which Matters the Law preſumes ſo great a Miniſter in the State to be acquainted) he is bound in Duty and by his Oath not to fix the Great Seal to the ſaid Grant, but thereupon faithfully and impartially to adviſe the King: And Chancellors who have acted otherwiſe, and who, contrary to the Truſt of their Office, have ventur'd to paſs outragious Gifts, *Douns Outrageuſes*, as the Records call 'em, whereby the Crown has been

been impoveriſh'd, have been heretofore, as we ſhall ſhow by and by, queſtion'd, impeach'd and attainted in Parliament.

Theſe were the ancient Steps in Paſſing Grants from the Crown, which were afterwards inforc'd by a poſitive * Law in the Reign of *Henry* the Eighth, a Prince jealous enough of the Regal Authority. 'Tis true, by the Suggeſtion in the Preamble, it looks as if the Act were made to preſerve the Fees belonging to the Clerks of the Signet, but bringing in Fees to Officers, being never the Object of a Parliaments Care; we ought to conclude that the Houſe of Commons gave that fair Colour (in the Reign of a Suſpicious and Arbitrary Prince) to the Regulations they intended to make as to Paſſing Grants from the Crown. Firſt, the Law directs, " That the King's Grants " ſhall be brought to the Principal Se- " cretary, or to one of the King's " Clerks of his Grace's Signet for the " time being, to be at the ſaid Office " of the Signet paſs'd accordingly. And " be it alſo ordained and enacted, That " one of the Clerks of the ſaid Signet, " to whom any of the ſaid Writings " ſigned with the King's moſt gracious " Hand, or the Hand of any other a- " foreſaid,

* *Anno* 27 *Hen.* 8. Cap. 11.

" foreſaid, or any of them, fortune to
" be deliver'd, may and ſhall by War-
" rant of the ſame Bills, and every of
" them within the ſpace of eight days
" next after he ſhall have receiv'd the
" ſame, unleſs he have Knowledge by
" the ſaid Secretary, or otherwiſe, of
" the King's Pleaſure to the contrary,
" make, or cauſe to be made in the
" King's Name, Letters of Warrant,
" ſubſcrib'd with the Hand of the ſame
" Clerk, and ſealed with the King's
" Signet, to the Lord Keeper of the
" King's Privy Seal, for further Pro-
" ceſs to be had in that behalf: And
" that one of the King's Clerks of the
" ſaid Privy Seal, upon due Examina-
" tion had by the ſaid Lord Keeper of
" the ſaid Privy Seal, of the ſaid War-
" rant to him addreſſed from the Office
" of the ſaid Signet as afore, may and
" ſhall within the ſpace of eight days
" next, after he ſhall have receiv'd the
" ſame, unleſs the Lord Keeper of the
" Privy Seal do give them Command-
" ment to the contrary, make or cauſe
" to be made, by Warrant of the fore-
" ſaid Warrant to the ſaid Lord
" Keeper of the Privy Seal, Addreſs
" from the Office of the Signet afore-
" ſaid, other Letters of like Warranty,

" ſub-

" ſubſcribed with the Name of the
" ſame Clerk of the Privy Seal, to the
" Lord Chancellor of *England*, Lord
" Keeper of the Great Seal, Chancel-
" lor of the Dutchy of *Lancaſter*, Chan-
" cellor of the King's Land of *Ireland*,
" Treaſurer and Chamberlains of the
" Exchequer, and Chamberlains of any
" of his Counties Palatines, or Princi-
" pality of *Wales*, or other Officer, and
" to every of them, for the writing
" and enſealing with ſuch Seals as re-
" main in their Cuſtody of Letters Pa-
" tent or Cloſed, or other Proceſs mak-
" ing, due and requiſite to be had or
" made upon any the ſaid Grants, ac-
" cording to the Tenor of the War-
" rant to them or any of them directed
" from the Officer of the Privy Seal, as
" is afore ſpecified.

Theſe Cautions ſhow how carefully our Conſtitution has provided that nothing ſhall be done which may turn in *Deſpendium Regis aut Regni*.

But here ſome flattering Lawyers will affirm, That theſe Methods are Directive not Coerceive: Or, as *Hobart* ſays,

† *Hobart's* Reports, *Coke* and *Glover*, p. 146.

† " That theſe kind of Statutes were
" made to put Things in ordinary
" Form, and to eaſe the Sovereign of
" of Labour, but not to deprive him of
" Power;"

" Power; " according to this Maxim of the ſame Judge, That * *Dare Prerogativam eſt nobile Officium Judicis & Debitum.* And truly, heretofore *Weſtminſter-hall* did ſo order it, that theſe Fences, intended to keep the Publick Revenues from the Hands of Spoilers, were all broken down, and that all theſe Statutes were evaded.

* *Lord* Sheffeild, *ver.* Ratcliffe, *p.* 335.

For the Force of all theſe wholſome Laws was enervated by Clauſes afterwards incerted into the Letters Patents, viz. *Ex certa Scienta, mero motu, & Gratia ſpeciali. Ex certa Scientia* was very antiently made uſe of, but the words became more neceſſary afterwards to defeat the 1ſt of *Henry* IV. where 'tis enacted, † " That the true and expreſs Va- " lue of the thing to be granted, ſhall be " incerted in the Letters Patents, other- " wiſe the Grant to be void. " So that theſe words ſuppoſe the King to have certain knowledge in every Circumſtance of the thing he is to give away, which happens very rarely to be the Caſe. But notwithſtanding theſe words, if certain Proof can be made that the King was miſinform'd by falſe Suggeſtion, no Lawyer will ſay the Grant is good. *Ex mero motu*, imports the Honor and Bounty of the King, who Rewards

† *Rot. Parl.* 1 *Hen.* 4. Num. 98.

wards the Patentee for Merit without his Suit. Theſe words ſuppoſe the King to be truly appris'd of the Perſon's Merit, and were brought in to obviate the 4th of *Henry* IV. whereby it was ena-

*Rot. Parl. 4 Hen. 4.

cted, * "That no Lands ſhould be given, "but to ſuch as deſerv'd them; and if any "made Demands without Deſert, that he "ſhould be puniſh'd." And to the ſame purpoſe were added the words *Ex Gratia ſpeciali*; yet more to denote that the Gift proceeded meerly from the King's Favour, and not at the Party's Sollicitation.

But beſides all this, becauſe anciently it ſeem'd a Fundamental, that the Crown-Lands were not alienable, and becauſe all along Parliaments had complain'd of theſe Alienations, as looking upon 'em to be illegal, the Lawyers of old Times endeavour'd to ſecure and cover all by a Clauſe of *Non Obſtante* to be incerted in the Patents.

Theſe Clauſes of *Non Obſtante* were not known in our original Conſtitution. *Mathew Paris* ſays they grew rife in the Reign of *Henry* III. *Anno Dom.* 1250.

* Mat. Paris, *p.* 810.

* *Sparſimq; jam tales Literæ, in quibus inſerta eſt hæc deteſtabilis adjectio:* Non Obſtante Priore Mandato, *vel hæc*, Non Obſtante Antiqua Libertate *Suſcitabantur;*

tur. Then he goes on, *Quod cum comperiſſet, quidam vir diſcretus tunc Juſticiarius, ſcilicet* Rogerus de Thurkeby, *ab alto ducens ſuſpiria, de prædictæ adjectionis appoſitione, dixit Heu, heu, hos ut quid dies expectavimus? Ecce jam civilis Curia exemplo eccleſiaſticæ Coinquinatur, & a Sulphureo fonte intoxicatur.*

But this Clauſe grew more neceſſary after the 11th of *Henry* IV. when it was plainly and directly enacted, " * That " all manner of Heriditaments which " from thenceforward ſhould fall into " the Crown, ſhould not be alienated, " but remain to the King. " And this laſt Law being poſitive, unrepeal'd (as we know of) and ſtill in force as much as *Magna Charta*, and the Doctrin of *Non Obſtantes* ſeeming to be condemn'd by *The Act declaring the Rights and Liberties of the Subject*, in theſe Words, " That " the pretended Power of Suſpending " of Laws, or the Execution of Laws " by Regal Authority, without Conſent " of Parliament is Illegal. That the " pretended Power of diſpenſing with " Laws, or the Execution of Laws by " Regal Authority, as it hath been aſ- " ſum'd and exercis'd of late is Illegal. " There will ariſe a Queſtion how far the Grants made, ſince the paſſing this Act

* *Rot Parl.* 11 *Hen.* 4. Num. 23.

1 *Gul.*

1 *Gul.* & *Mar.* are valid by the Laws, as they ſtand at preſent.

For we may argue thus, It was enacted 11 *Hen.* IV. That the Crown-Lands ſhould not be granted away. However the Practice was otherwiſe, and the Grants were ſupported by Clauſes of *Non Obſtante:* But theſe *Non Obſtantes*, or the diſpenſing with Laws in force, being declar'd Illegal, it ſhould follow, that the Grants of Crown-Land made for theſe laſt ten Years are void in Law, and revokable at the King's Will and Pleaſure. But 'tis left to the Gentlemen of the Long Robe to determin in this Point.

However tho' this Doctrin of *Non Obſtantes* (invented perhaps firſt to enlarge the Prerogative for the People's benefit, and made uſe of afterwards to extend it to the King and People's Damage) may have heretofore receiv'd Countenance in *Weſtminſter-hall*, there is another Place where in no Age it has met with Favour.

And the Reaſons why ſo many Reſumptions have been made, might be, Firſt, That it gave Offence to the Legiſlative Authority to ſee the Miniſters make uſe of this diſpenſing Power. Secondly, That it appear'd the Suggeſtions

ons were wrong upon which the Grants were grounded: That is, that the Soveraign did not proceed *Ex certa Scientia*, namely, that he was ſurpris'd and miſinform'd in the value of the Thing given. That he did not proceed *Ex mero motu*, but that the Gift was wreſted from him by his importunate and undeſerving Courtiers. That he did not proceed *Ex Speciali Gratia*; but was rather induc'd to beſtow the Favour, through the neceſſity of his Affairs, to quiet ſome great Man, or to pleaſe ſome powerful Party. And in all probability upon ſuch, or the like Accompts, Parliaments have look'd into Grants, and the beſt Princes have not thought it diſhonorable to join in Revoking what had been thus Extorted from them.

And as to the diſtinction which the Lawyers make between Directive and Coercive: Admit the Forms by which the Law has directed all Grants ſhall paſs, ſhould be only Directive to the Soveraign, and deviſed for his greater Eaſe and Safety, yet without doubt they are Coercive to his Miniſters. No Lawgivers ever intended that a ſolemn Law, made upon mature Deliberation, and preſcribing a Rule in high Affairs of State, ſhould have no effect at all. But the

27 *Hen.* VIII. which Chalks out to the Secretary, Lord Privy Seal, and Lord Chancellor, the regular Steps they are to make in paſſing Grants, would be of no ſort of ſignification, if they may paſs *per Saltum*, and by immediate Warrant, without being enter'd in the ſeveral Offices.

When Parliaments adviſe the Prince, 'tis humbly ſubmitted to his Wiſdom, whether or no he thinks fit to approve of their Councils: But when by a written Law they give Advice, and lay down Rules and Directions in Matters of State for the Miniſters to walk by and obſerve, without doubt they intend, Advice ſo ſolemnly given, ſhould be follow'd.

Hitherto we have mention'd the Cautions, Proviſions, Reſtrictions and Forms, which our Anceſtors eſtabliſh'd, and made uſe of, to preſerve the King's Revenue, by which the Publick was to be ſupported. But notwithſtanding all this, the Wickedneſs of Men was either too Cunning, or too Powerful for the Wiſdom of the Laws in being.

And from time to time Great Men, Miniſters, Minions, and Favourites, have broken down the Fences contriv'd and ſettled in our Conſtitution; they have

have made a Prey of the Commonwealth, plum'd the Prince, and converted to their own Uſe, what was intended for the Service and Preſervation of the State.

We ſhall therefore proceed to ſhow, That to obviate this Miſchief, the Legiſlative Authority has all along interpos'd with Inquiries, Accuſations and Impeachments, till at laſt ſuch dangerous Heads were reach'd.

For as Courts have been watchful to Rob the Prince, ſo antiently the Barons, and afterwards Parliaments, from time to time have been as vigilant to prevent his Ruin, ſhowing, in the progreſs of their Councils, great Wiſdom mixt with Duty, and Temper join'd with Courage.

The firſt Great Perſon whom we find queſtion'd ſince the *Norman* Government, was *Ranulphus* Biſhop of *Durham*, who bore the Office, of what we now call Lord Treaſurer of *England*, in the time of *William Rufus*. This Man had been the Principal Inſtrument of the Profuſion, and of what is its Conſequence, thoſe Extortions that diſgrac'd the Reign of *Rufus*: Of whoſe times *William* of *Malmsbury* ſpeaking ſays, None were then Rich but ſuch as dealt with the Ex-

* *Dugdale Series Chronica*, p. 1.

chequer, * *Nullus Dives, niſi Nummularius.* This wicked Miniſter was brought to Puniſhment by *Henry* I. who caſt him into Priſon, and loaded him with Chains. *Matthew Paris* ſays, † *De Communi Conſilio Gentis Anglorum poſuit eum Rex in vinculis.* *Malmsbury* gives him this Character, * Radulphus *Clericus ex infimo genere hominum, Lingua & Aſſiduitate provectus ad ſummum; Expilator Divitum, Exterminator Pauperum, Confiſcator alienarum Hereditatum. Invictus Cauſſidicus, & cum verbis, tum rebus immodicus, nec aliorum curaret odium dummodo complaceret Dominum.* It ſeems he was a little inſolent Fellow, who by his fluent Tongue and cringing at Court, had got Power enough to do much hurt in *England*: A miſchievous Tool againſt the Publick, as well as an Oppreſſor of private Men; Subtle to invent Wickedneſs, and Bold to put it in Execution, and one who would ſtick at nothing to raiſe himſelf. *Matthew Paris* ſpeaking of him ſays he was, † *Homo perverſus, & ad omne Scelus paratus, quem Rex conſtituerat Procuratorem ſuum in Regno ut evelleret, deſtraeret, raperet & diſperderet, & omnia omnium bona ad Fiſci Commodum comportaret.* We have thus painted out this Stateſman in the Colours as he is re-

* *Will. Malms.* p. 123.

† *Mat. Paris*, p. 56.

* *Wil. Malms.* p. 123.

† *Mat. Paris*, p. 56.

repreſented by thoſe two Venerable Writers. And he ſo much reſembles ſeveral bad Miniſters, who, in the Ages ſince, have ſucceeded both to his Poſt and Power, that one would think they had choſen to take him for their Pattern.

In the 5 of *Edward* II. *Pieres de Gaveſton* was accuſed in Parliament for having given the King ill Council, and for having cheated the King of his Treaſure, and ſent it beyond Sea, and for having Eſtranged the King's Heart from his People, ſo as he ſlighted their Councils, and for having remov'd all faithful Miniſters, and plac'd only his own Creatures, or Foreigners about the King, and for having caus'd the King to grant Lands, Tenements and Offices to himſelf and his Heirs, and to divers other People, (inſomuch that by his Wealth he was become dangerous) to the great damage and injury of the King and his Crown. For which he was Baniſh'd the Realm, ſo as if he return'd he ſhould be treated as an Enemy to the King, Kingdom and People. But take the Words of the Record becauſe 'tis very curious.

Purceo qe conue choſe eſt, & per le examinement de Prelatz Countes & Barouns, Chivalers & autres bones Gentz du Roialme Rot. Ord. 5 Edw. 2. Num. 20.

trovez, qe Pieres de Gaveſton, *ad Malmeuez & mal Conſeillez noſtre Seignour le Roy, & lad enticee a malfaire en divers Manieres & deceivances en accoillant a lui toute le Treſor le Roi, & lad eſloigne hors du Roialme, en attreant a lui royal Poer, & royal Dignite, come en aliaunce faire de Gentz, par ſermentz, de vivre & morir oveſqe lui encountre touts Gentz, & ceo par le Treſor qe il purchace de jour en jour, enſeignurant ſurleſtate le Roy & de la Corone, en deſtruction du Roi, & du Peuple, & eſpecialment enloignant le cuer le Seignour de ces liges Gentz en deſpiſant lours Counſeils, nient ſoeffrant bons Miniſters faire ley de Terre, en oſtant les bons Miniſters, mettant ceux de ſa Covine auſi biens Aliens, come autres qi a ſa volunt & a ſon commandment, offendent droit et ley de Terre, en parnant Terres, Tenements et Baillies du Roi, a lui et a ſes Heires. Et ad fait, qe le Roi ad done Terres & Tenements de ſa Corone as divers Gentz, a grand damage et decreſe de l Eſtate le Roi et de ſa Corone. Et ceo auſi bien puis l ordeinement, qe le Roi granta as Ordeinours de faire au profit de li et de ſon People, come devant, encountre l ordeinement des Ordeinours. Et maintient Robbeours Homicides et les fait avoir le chartre le Roi de Peez, en donant hardement a meſfeſeurs de pis faire, et menant le Roi en Terre*

de

de Guerre, ſauz commun aſſent de ſon Barnage, en peril de ſon Corps, et en deſtruction du Roialme. Et en feſant ſealer blanches Chartres deſoutz le Grand Seal le Roi, en deceit et deſheritance du Roy et de ſa Corone, et encontre ſon Homage, et feloneſement fauxment et treterouſment ad fait les choſes ſuſdites a grand diſhonour et damage du Roi, et deſheritiſon de la Corone, et a deſtruction du People in moults maners. Et oveſqe ceo nous eantz regard a lez faits le treſnable Roi Pere le Roi qore eſt, par qi Agard, lavant dit Pieres forsjura le Roialme d Engleterre, et voleit qe noſtre Seignour le Roi ſon Fitz forjuraſt a touz jours la Campaigne de lui, et qi puis, par comun aſſent de tout le Roialme, et du Roi, et de lui meſmes, les Prelatz Counts et Barouns autrefoitz eſtoit agardez de meiſme le Roialme voider et voida, et qe ſon retorner neſtoit unqes par comun aſſent, mes ſalement par aſſent des aſcuns perſons qi, ſouz Condition, ſi bien ſe portaſt apres ſon retourner, a ce ſe aſſentirent. Et ore certainement eſt troves ſon mal port, pur qeu port, et pur Les grandes mauvaiſetees Suſdites, et pur pluſors autres qe purront aveiner a noſtre Seignour le Roi, et a ſon People, et pur bon accord nurrer entre le Roi, et ſes Gentz, et moltes maniers, de diſcordes et perils eſchuire. Nous ordeinous, par vertue de la Commiſſion noſtre Seignour le Roi a nous

grantee, qe Pieres de Gaveſton, *come apiert Enemy le Roy, et de ſon People, ſoit de tout exiles, auxi bien hors de Roialme d Engleterre, d Eſcoce, d Irland, et de Galles, come de toe la Seignourie noſtre Seignour le Roy, auxi bien dela la mere, come de cea a touz jourz, ſans james returner, et qil voide le Roailme d Engleterre, et totes les Terres ſuſdites, et tout outriment la Seignourie noſtre Seignour le Roi, entre ci et la Feſt de toutz Seintz prochein avenir. Et luy donons Port a Dover, en la forme ſuſdite et nuelle parte aillours a paſſer et a voider: Et ſi le dit Pieres demoerge en le Roialme d Engleterre ou uuelle parte aillours en la Seignourie noſtre Seignour le Roi outre la dit jour qe done luy eſt de voider et de paſſer come eſt ſuſdite, Adunqe ſoit fait de luy come del Enemy du Roi et du Roialme et de ſon People; Et qe touz ceux qi deſormes voant encontre ceſt ordeinement en droit du dit Exile ove le peine qe enſuit, ſoit fait de eux ſolone ceo qe y appent ſi de ceo ſoint atteintz.*

Pieres Gaveſton at firſt was a Man only in the King's Pleaſures; but as weak Princes often remove Men from their Pleaſures into their Buſineſs, ſo *Gaveſton* became preſently a Miniſter of State: For the Records ſhow that he was Guardian and Lieutenant of the Kingdom in the

the King's Abſence with very immoderate Powers, and afterwards he was conſtituted * Lieutenant of *Ireland*; but the extravagant Honours and Favours conferr'd upon him, and the Lands he got from the King, drew, as all our Hiſtorians witneſs, the Indignation of the Parliament upon him. † *Tho. Walſingham* ſays that the Barons, *Librato utrobiq; Periculo, inveniunt, quod vivente Petro eſſe non poterit Pax in Regno, nec Rex abundare Theſauro.* And ſo they never reſted till he was baniſh'd the Kingdom.

* *Pat.* 1. *Ed.* 2. *m.* 3.

† *Walſing.* p. 99.

* In the ſame Parliament *Henry de Beaumont* was likewiſe accus'd, for that to the damage and diſhonour of the King, he had receiv'd the Kingdom of *Man*, which the Lords whom the King had conſented ſhould be of his ſtanding Council, thought fit ſhould remain to the Crown; And for that he had procur'd from the King to himſelf other Rents, Lands, Franchiſes and Offices; And for that he had procur'd for others the Grants of Lands, Rents, Tenements, Franchiſes and Offices; And for that he had given evil Council to the King contrary to his Oath. For all which the Judgment upon him was, That he ſhould be outed the King's Council for ever, and not

* 5 *Edw.* 2. *Rot. Parl.* Nu. 22.

not come near the King's Perſon, unleſs he were ſummon'd to Parliament, or call'd upon to attend the King in his Wars; Or unleſs it were by common Aſſent of Archbiſhops, Biſhops, Earls and Barons, in full Parliament; and that all his other Lands ſhould be ſeiz'd into the King's Hands until the King ſhould be ſatisfy'd, the full value of what he had receiv'd from thoſe Lands ſo granted to him by the King.

It ſeems likewiſe that in this Reign the Ladies were Begging and Intreaguing at Court. For the Lady *Veſcey* was * accus'd for having prevail'd upon the King to give Sir *Henry Beaumont* her Brother, and to others, Lands, Franchiſes and Offices, to the Damage and Diſhonour of the King, for which ſhe was order'd to repair to her own Houſe, without ever returning to Court to make ſtay there.

*Rot. ibid. Nu. 23.

'Tis true (as we have noted before) the King got this whole Act repeal'd at the Parliament held at *York*, 15 *Edw.* 2. but it was juſt after he had made a War upon his People, and put to Death the * Earl of *Lancaſter*, of the Blood Royal, and Eleven or Twelve of the other Peers of *England*. And what ſucceeded to this unfortunate Prince upon ſuch an extraordinary

*Tho. Walſing. p. 116.

dinary Act of Violence is but too manifeſt.

The Miniſters and Promoters of all the Irregularities committed by that King were the two *Spencers* Earls of *Wincheſter* and *Gloceſter*, who were put to death in a tumultuous manner. * *Knyghton* indeed ſays, the Earl of *Gloceſter* was arraign'd before Sir *William Truſſel Juſticiarie. Dominus Hugo Spencer ductus coram domino Willielmo Truſſell Juſticiario areniatus eſt coram eo ad Barrum.* * Col. 2547.

One of the principal Heads of the Accuſation againſt *Hugh Spencer* was, for that he had adviſed the King to give and grant unto the falſe Traitor the Earl of *Wincheſter*, *Andrew Harkely*, and to himſelf, Lands appertaining to the Crown in diſheriſon thereof.

* *Hugh apres celle maveiſte, vous Conſellaſtes noſtre Seignour le Roy, en deſheritaunce de ſa Coronne, a doner voſtre Piere que fuiſt faux Traytour, le Conte de Wynceſtre, & Andrewe de Harkely Traytour notorye & attaynte, le Conte de Cardoyle. Et a vous Hugh la Terre de Cantermaure & altres Terres que furont proprement Appurtenancez a la Coronne.* * Knyghton Col. 2548.

For which, and for other Crimes, he was condemned and Executed.

Among

Among the Articles exhibited in Parliament, *Anno* 4. *Edw.* 3. againſt *Roger Mortimer* Earl of *March*, two of 'em are for procuring to himſelf Grants of the Crown-Revenue. That he cauſed the King to make him Earl of *March*, and to give Him and his Heirs many Lands, in Diſheriſon of the Crown. And that the ſaid *Roger* cauſed the King to give to Him and his Children and Confederates, Caſtles, Towns, Mannors and Franchiſes in *England*, *Ireland* and *Wales*, in decreaſe of the Revenues of the Crown.

Judicium Rogeri de Mortimer. * Rot. Parl. 4 Edw. 3.

* *Et a meſme le Parlement, per ſon dit Royal Poer a luy accroche, fiſt tante, qe noſtre Seignour le Roy luy fiſt Conte de la Marchie, & luy dona pluſours Terres, a luy, & a ſes Heirs, en deſheritance noſtre dit Seignour le Roy & de ſa Corone.*

Item le dit Roger per ſon Royal Poer a luy accroche, fiſt le Roy doner a luy, & a ſes Enfantz, & a ſes Alliez Chaſtelx Villes Manoirs & Franchiſes en Engleterre, Irland & Gales en decreſe de ſa Corone.

Rot. ibid

For this and for other Crimes, of which ſome were judg'd to amount to Treaſon, he was condemned to be hang'd at *Tyburn*, and the Sheriffs of *London* were order'd to attend the Execution.

In

In the 10th of *Richard* II. *Michael de la Pool* Earl of *Suffolk* was Impeach'd in Parliament upon ſeveral Articles, the Principal of which was, For that being Lord Chancellor, and ſworn to promote the King's Profit, he had purchas'd of the King Lands, Tenements, and Rents of a great Value, againſt his Oath, and ſuch Grants being more than he deſerv'd, conſidering the great Poverty of the King and Kingdom. To which he anſwer'd that he had no Lands of the King, but ſince his being created Earl, and that by way of Exchange. To which the Commons reply'd, by ſhowing the Oath he took when he was made Lord Chancellor, the Effect whereof was for doing Juſtice, obſerving the Laws, Councelling the King, and not to ſuffer any Damage or Diſheriſon of the Crown, and that by all means he ſhould promote the King's Profit. And hereupon becauſe he confeſs'd the Gift of the Lands to him whilſt he was Chancellor, and that during the ſame time, the Exchange was made of good Lands, for a Caſual Cuſtom at the Port of *Hull*, they inferr'd that the ſame was not for the King's Profit, according to the Tenor of the Chancellor's Oath; And therefore they pray Judgment. The Judgment againſt the

the

ſaid Earl was, That for Breach of his Oath, all the ſaid Mannors and Hereditaments which he had of the King's Gift, ſhould be ſeiz'd into the King's Hands, together with all the mean Profits, ſaving to the Earl his 20 *l. per Annum* Creation-Mony in the County of *Suffolk*. But take the Words of the Record as far forth as they relate to the preſent Matter.

* *Rot. Parl.* 10 *Ri.* 2. P. 1. Num. 1. *Premierement qe le dit Conte eſtant Chancelier, & jure de faire le Profit du Roy, purchaſſa de noſtre Seignour le Roy, Terres Tenements et Rents a grand value, come piert per Record es Rolles de la Chancellerie, encontre ſon ſerment, La ou il n'avoit tant deſſervi, conſiderez la grante neceſſite du Roy, et du Royalme, et outre ce, a cauſe qe le dit Conte fuſt Chanceller au temps du dit Purchaſſe faite les dites Terres et Tenements, furent extendus a meindre value qils ne veillent, per an. per grant ſome, en deceite du Roy.*

* *Rot.* ibid. Nu. 6. *Qand al premier Article de ſon Empechement, ceſt aſſavoir depuis qil eſtoit Chanceller, qil deuſt purchaſſer certeins Terres du Roy,* &c. *Le dit Conte reſpond qe depuis qil fuſt Chanceller il ne purchaſſa unqes uulles Terres ne Tenements du Roy, ne le Roy luy donna, ne al nully des ſoins, nulles Terres ne Tenements, tant qe aux temps qe le*

le Roy fiſt prendre l'eſtat du Conte, mes per voie de verrai Exchange, Ceſt aſſavoir qe come le dit Conte avoit CCCC *Marcs annuelx ſur la Cuſtume de Kyngſton ſur Hull, per deſcente de Heritage, pur qeux il pleuſt au Roy d aſſigner au dit Conte Terres et Tenements a la value, et aſſignee et ordonna partie devant qil fuſt Chanceller, et partie depuis, et ce au profit du Roy, ſi bien annuellement come par Cauſe de une Some de mille Marcs paiees ou Roy per le dit Conte pour celle cauſe,* &c.

Then he proceeds to give ſeveral Particulars of the Agreement, and to ſet forth his Merits, and that the King made him take the Honour of Earl upon him without his ſeeking, and how he was perſuaded to be Chancellor. But it ſeems the Parliament did not take his Anſwer to be ſufficient; for the Commons reply'd in the Words following.

Et les Communes replians al reſponce du dit Conte del premier Article, Monſtrent as Seignours la Copie de ſon ſerment, fait qant il fuſt Creez Chanceller, en maniere quenſuit. Vous Jurrez qe bien et Loyallement ſervirez a noſtre Seignour le Roy, et a ſon People, en l office de Chanceller, et droit feres as toutes Gens pouvres et riches, ſeloncles lois et uſages du Royalme, et loyalement conſeillerez

Rot. ibid. Num. 8.

ſeillerez le Roy, et ſon Conſeil ſellerez, et qe vous ne ſaverez ne ſufferez le damage ne deſheritiſon le Roy, ne qe les droitures de la Corone ſoient deſtruits per nulle voie, ſy avaut come vous le poez deſtourber, et ſy vous ne poez deſtourber, vous le ferez ſavoir clerement et expreſſement au Roy enſemblablement ove voſtre loyal avis et Conſeil, et qe vous ferez et purchaſarez le profit le Roy par tout ou vous le purrez faire reſonablement. Si dieu vous eide et les Seints Evangieles. Prient qe ce lu et bien entendu, et conſiderez les Circonſtances de ſon dit reſponce, ſy bien, Ceſt aſſavoir de ce qe nad pas dedit, qe il ne receut du don le Roy, puis qil eſtoit fait Conte, eſtant en l office de Chanceller, diverſes Terres et Tenements come contenu eſt en le Empechement, come qil ad conus ouvertement qil recent du Roy autres Terres et Tenements qe ſont certeins et ſeures, a la value de qatre Cents Marcs per an. en Exchange de qatre Cents Marcs annuels, qeux il avoit ſur la Cuſtume de Kyngſton ſur Hull qe ſont caſuels, et nemy ſy ſeures, nient enformant le Roy clerement de ſon damage celle partie, et coment qil ad dit, qil receut parties deſdites Terres et Tenements iſſint pris en change devant qil eſtoit Chanceller, les Communes dient qil eſtoit lors du Prive Conſeil du Roy, et a ce jurez, et puis en la Creation del Office de

de Chanceller aſtrict de Nouel per ſerement, et il en cel Office Agreant as Exchanges par luy devant ſuppliez, priſt et receuſt du Roy le remenant deſdites Terres et Tenements en plein perfourmeſſement des Exchanges ſuſdits et demandent Judgement du Parlement ſurtout ſon reſponce des ſuſdits.

So that for the Inſufficiency of his Anſwer the following Judgment was given.

Et purce qe le dit Conte ne allegea point en ſon Reſponce qil obſerve le effecte de ſon ſerement, & en ce qil jurraſt qe il ne ſaveroit ni ne ſuffreroit le damage, ne la deſheritiſon du Roy, ne qe les droitures de la Corone fuſſent deſtruits, par uulle voie, ſy avant come il les poiaſt deſtourber et ſi il ne les poet deſtourber il le feroit ſavoir clerement & expreſſement au Roy enſemblablement, ove ſon loyal aviſe & Counſeil & qil feroit & purchaſſeroit le Profit le Roy per tout ou il le pourroit fair reſonablement; Et il tant come il eſtoit ainſy principal Officer du Roy, Sachant le Eſtat & neceſſite du Roy & du Royalme, priſt du Roy tiels Terres & Tenements come eſt ſuppoſe par le Empechment, a luy en le dit premier Article ſurmis, & coment qil alle- Rot. ibid. Num. 13.

gea en ſon reſponce qe les dons a luy iſſint faits furent confirmez par plein Parlement, il ny a nul tiel record en Roulle de Parlement. Purquoy Agardez eſt, qe tous les Manoirs Terres & Tenements, Rents, Services, Feos, Avoeſons, Reverſions & Profites; ove lour Appurtenances per luy iſſint receus du Roy, ſoient Reſeiſez & repriſes en les Mains du Roy a avoir & tenir a noſtre dit ſeigneur le Roy, et ſes Hoirs ſy pleinement & enheritablement come il les avoit & tenoit devant le don eint fait al dit Conte, et qe toutz les Iſſues et Profits ent receus ou leves al Oeps du dit Conte en le meſme temps ſoient levez al Oeps noſtre Seignour le Roy des Terres et Chaſtelx du dit Conte illoques et aillours. Mes ne eſt pas le Intention du Roy, ne des Seignours, qe celle Jugement ſeſtende de luy fairę perdre le nom et le Title de Conte ne les vingt livres Annuelx qeux le Roy luy grana prendre des iſſues du Conte de Suffolk, par le Nom et Title avantdits, Et outre purceqe le dit Conte nadpas dedit qil neſtoit du privie Conſeil du Roy, et a luy jure quand il demanda primes du Roy la dit Exchange eſtre faite, et ad conu qe devant les dites Exchanges perfourmes il fut fait Chanceller en qel Office il fuſt aſtrict per ſon ſerement fait en la forme avant dite.

So

So that it appears plainly from this Record, That King, Lords and Commons, took it to be a Crime in the Lord Chancellor, and againſt his Oath, to take Lands in Gift or in Exchange from the King; for upon the Chancellors Oath the Judgment was grounded, it being in thoſe Days thought and underſtood, that he who was ſworn to purchaſe the King's Profit, ſhould not inrich himſelf with the Revenues of the Crown, and as the Record ſays, that he cheifly ought not to do ſo, who was *le Principal Officer*, and who knew the State and Neceſſities both of King and Kingdom. And it was a very odd Circumſtance of thoſe times, that the Legiſlature ſhould be neceſſitated to relieve the King againſt Frauds committed by the Principal Judge in Equity, and by the Keeper of his Conſcience.

Anno 11. *Rich.* II. The Legiſlative Authority was not ſatisfied with what had been done the Year before againſt this Chancellor, but it was thought fit to proceed farther againſt Him and other bad Miniſters who had attempted to overthrow the Conſtitution of this Kingdom.

The Duke of *Gloceſter* Uncle to the King, and Conſtable of *England*, the Earl of *Darby*, the Earl of *Arundel*, the Earl of *Warwick*, and *Thomas* Earl Marſhal, accus'd *Michael de la Pool* and others of High Treaſon; the Term then us'd was they Appeal'd 'em of Treaſon.

**Rot. Parl.* 11 *Rich.* 2. p. 2. m. 7. * Thomas *Duc de* Gloceſter *Coneſtable d* Engleterre, Henry *Conte de* Derby, Richard *Conte de* Arundel *& de* Surry, Thomas *Conte de* Warwick, *&* Thomas *Conte Mareſchal*, *Appellons* Aleſandre *Erceveſque* Deverwik, Robert *de* Verr *Duc d* Irland, Michael de la Pool *Conte de* Suffolk, Robert Treſelian *faux Juſtice*, *&* Nicholas Brembre *faux Chivalier de* Londres, *de Hautes Trahiſons par eux faits enccntre noſtre Seignour le Roy & ſon Royalme, Come Traitours & Ennemies du Royalme. Qeux Appel & Trahiſon ſont declarez Appointez & Speceſiez pleinement, ſy come eſt contenu en diverſes Articles deſſous Eſcripts. Et Prient qe les dits Appelles ſoient demandez, et qe droit et Juſtice ent ſoit fait en ceſt preſent Parlement.*

Then theſe Lords exhibited againſt *Michael de la Pool*, and the reſt, 39 Articles of High Treaſon. In the 5th, 6th, and 7th

7th Articles, they are accus'd for having procur'd to themselves and others, and to their Kindred, Grants of the Crown-Lands in *England* and *Ireland*, besides Gifts of Mony to the Value of above One Hundred Thousand Marks, by which the Kingdom came to be loaded with Taxes and Impositions.

Item per le dit Acrochement les avantdits Robert de Verr *Duc d* Irland *&* Michael de la Pool *Conte de* Suffolk, *per assent & Conseil du dit* Alesandre *Erceveseqe* Deverwik *ont fait qe nostre Seignour le Roy sans Assent du Royalme, ou desert de eux, lour a done per lours abettements diverses Seignouries, Chastelx, Villes, & Manoirs si bien anexes a sa Corone, come autres, sy come la Terre de* Irland, *& de* Okeham *ove les Forests dicelle, & autres Terres, qe furent al Seignour d* Audeley, *& autres Grants Terres, au dit* Robert Verr *Duc d* Irland, *& as autres diversement, peront, ils sont grandement Enriches, & le Roy est devenu pouvre, & ne ad dont il se pourra soutenir & porter les Charges du Royalme sinon per Impositions Taxes ou Tributs mettre & prendre sur son People en disheritison de sa Corone & en defeasance de son Royalme.* 5 Art.

6 Art. *Item par le dit Acrochement, les avandits* Alexandre *Erceveſqe* Dewerwik, Robert de Verr *Duc d* Irland, Michael de la Pool *Cont de* Suffolk, *et per aſſent et counſeil deſdits* Robert Treſilian *faux Juſtice*, Nicholas Brembe *Chevalier de* Londres, *ont fait qe noſtre Seignour le Roy a donne divers Manoirs, Terres, et Tenements, Rents, Offices, Ballies, as diverſes autres Perſones de lour Affinite, et as autres diverſes Perſones des queux ils ont pris grands dons pur Brocage pur icelle cauſe et auxi pur Cauſe a tenir avec eux en lour faux querelles, et purpoſes en defeaſance du Roy et de ſon Royalme, ſy come eſt de* Sir Robert Manſeil *Clerk*, Johan Blake, Thomas Uſqe *et autres diverſement.*

7 Art. *Item* Robert de Verr *Duc d* Irland, Michael de la Pool *Cont de* Suffolk, *et* Aleſandre *Erceveſqe* Deverwick *per aſſent et counſeil de dit* Nicholas Brembre, *faux Chevalier de* Londres, *acrochants a eux royal Poer, ont fait qe noſtre dit Seignour le Roy lour a donne tres grands ſomes dor et d argent, ſy bien de ſes biens et Joiaux propres, come de ſes biens et Treſor du Royalme, ſy come des Diſmes & Quinſiſmes et autres Taxes grantez as diverſes Parlements pur eſtre*

eſtre exploites en deffençe et ſauvegarde du Royalme, et autrement, qelle ſome amonte cent mille Marcs et plus, ſy come au dit Robert de Verr *Duc d* Irland, *et autres diverſement, et outre ceo pluſioures bones Ordinances et Purpoſes faits et ordeinez en Parlement ſy bien pur les Gurres come en defence du Royalme ont ilz deſtourbes, en grande Arreriſement du Roy et du Royalme.*

The Perſons accus'd were ſommon'd to anſwer to the 39 Articles; and not appearing, the Duke of *Glouceſter* and the other Lords Appellants, pray the Non-appearance may be recorded.

* *Ilz feurent demandez ſolemnement en le grande ſale de* Weſtminſter *et auxint a la grande porte du Palois de* Weſtminſter *de venir & reſpondre*, &c. **Rot. Parl.* 11 *Rich.* 2. p. 3. m. 14.

Le Duc et Cont Appellants, prient au dit Roy noſtre Seignour, et aux dits Seignours, du Parlement qils voilent Recorder le defaulte, &c.

After which the King and the Lords took time to deliberate upon the Matter. Then the Judges, Serjeants and Civilians were call'd, for to deliver their Opi-

nions in Law; who said the Appeal was not in the Forms requir'd, either by the Common or Civil Law. To which the Lord's answer'd, That the High Court of Parliament was not bound up to the Forms and Rules of the Courts below. But take the Words of the Record it self.

*Rot. ibid. ——— * *A qel temps les Justices et Sergeants, et autres Sages de Ley du Royalme, et auxint les sages de la Ley Civille, furent Chargez de par le* Roy *nostre dit Seignour, de doner loyal Conseil as Seignours du Parlement de deuement proceder en la cause de le susdit Appel, les qeux Justices, Sergeants, et Sages de la Ley du* Royalme, *et auxint les dits Sages de la Ley Civille, pristont ent deliberation, et respondront as dits Seignours du Parlement, qils avoient veue et bien entendu la Tenour du dit Appel, et disoient qe mesme le Appel ne feust pas fait ne affirme selonc l ordre qe lune Ley ou lautre requiert; Surqoy les dits Seignours du Parlement pristront ent deliberation, et avisement, et per assent du* Roy *nostre dit Seignour, et de lour Commun accord, estoit declare qe en si haute crime come est pretendu en cest Appel, qe touche la Persone du* Roy *nostre dit Seignour, et l estat de tout son* Royalme, *perpetre per persones qe sont Peers*

du

du Royalme oveſqe autres, le cauſe ne ſera aillours deduit qe en Parlement ne per autre Ley qe Ley et cours du Parlement et qil appertient as Seigneurs du Parlement et a lour Franchiſe et Libertee d' auncien Cuſtume du Parlement deſtres Jugges en tieux caſe, et de tieux caſe ajugger per aſſent du Roy, et qe enſy ſera fait en ceſt Cas per Agarde du Parlement: Purceqe le Royalme d Engleterre ne eſtoit devant ces heures, ne a lentent du Roy noſtre dit Seignour, et Seignours du Parlement onqe ne ſera rule ne, goverſne per la Ley Civille, et auxint lour entent ueſt pas de ruler ou Gouverner ſi haute cauſe come ceſt Appel eſt, qe ne ſera aillours trie ne termine qen Parlement, come dit eſt per cours Proceſſe et ordre uſee en aſcun Court plus bas deinſe meſme le Royalme, qeux Courts et Places, ne ſont qe Executors d ancienes Leys et Cuſtumes du Royalme, et Ordinances et eſtabliſſements du Parlement. Et fuſt avis au meſmes les Seignours du Palement per aſſent du Roy noſtre dit Seignour, qe ceſt Appel fuiſt fait et afirme bien, et aſſes duement, et le Proceſſe dicelle bone et effectuell, ſelonc les Leys et Cours du Parlement, et per tiel lagarderont et adjugeront. Et a meſme jour le Roy noſtre dit Seignour et Seignours du Parlement, ſeants en la dite blanche ſale en plein Parlement

lement les ditz Appellants prieront qe le Defaute des ditz Erceveſqe Duc Cont et Robert Treſilian, *Appellees comme devant, feuſe Recorde.*

After which the Perſons accus'd were again ſummon'd, and appear'd not, but alledged, (as we may ſuppoſe by their Council, for here the Record is ſilent) That they had not ſufficient Notice of the Matter contain'd in the Appeal. Upon which the Parliament proceeded to Judgment.

In which the Judgment was, That ſeveral of the Articles againſt the ſaid Perſons contain'd High Treaſon, of which the Parliament pronounc'd them Guilty; And that they were guilty of the Crimes laid down in theſe other Articles, which were not judg'd to amount to Treaſon, among which were the 5th, 6th, and 7th Articles. But take the Words of the Record.

Rot. ibid. *Surqoy les dits Seignours Temporels, per Commandement du Roy noſtre dit ſeignour examineront les Articles contenus en ledit Appel, & le Coulpe des dits Erceveſqe Deverwick, Duc, Cont &* Robert Treſilian, *Ap-*

Appellez come devant, en celle partie par grand Labour & Diligence, & per continuance de diverſes jours tanqe le Judy le 13 *Jour dudit mois de fevrier, & par lour aviſement et bone deliberation firent declaration & Adguzeront qe le* 1 *&* 2. *le* 11. *le* 15 *& le* 17 *Articles contenus en le dit Appel ſont Treſon. Et qe ce qeſt contenu en le* 22 *Article de meſme le Appel, touchant la levee des Gents, pur guerroer & deſtruire les Seignours, & Lieges du Roy, eſt auſſy Treſon & qe les* 28, 29, 30, 31, 32, 37, 38, 39. *de meſme le Appel, ſont auſſi Treſon, come eſt remembre en le avant dit roulle, du dit Appel. Et troveront per deue Examination, & per proves et emformations per tous les voies qils pourroit, lour Conſciences deucment emformer, qe le dit Erceveſqe, Duc, Cont, &* Robert Treſilian, *Appelles come devant, feurent Coulpables notairement en icelles ceſt aſſavoir Chacun de eux en chacun Article qe luy touche.* Et auxint qils ſont coulpables en touts les autres Articles contenus en le dit Appel, nient declares au preſent pur Treſon, *ceſt aſſavoir chacun deux en chacun Article qe luy touche, en preſence du dit Roy noſtre Seignour, et Seignours du Parlement Temporels, ſeant en la dite blanche ſale en plein Parlement meſme le jeudy le* 13 *jour du dit mois*

mois de Fevrier, les dits Duc & Contes Appellants prieront as dits Roy noſtre Seignour & Seignours du Parlement illoques eſtants qe les dits Erceveſqe, Duc Conte et Robert Treſilian *Appelles come devant fuſſent adjuges convicts de les hautes Trahiſons contenus en le dit Appel.*

Jugement Roy. ibid. *Parqoy les dits Seignours du Parlement illoqes eſtants come Juges du Parlement en ceſt Caſe, per Aſſent du Roy noſtre Seignour, Prononceront lour declaration avant dite & adjugeront leſdits Erceveſqe, Duc, Cont, et* Robert Treſilian, *appelles come devant, coulpables et convicts des Treſons contenus en les dits Articles, declares pur Treſon, come devant, Et Agarderont qe meſmes les dits Duc, Cont,* Robert Treſilian, *appelles come devant, fuſſent Treinez et penduz come Traitours et Ennemies au Roy noſtre dit Seignour, et a ſon Royalme, Et qe les dits Erceveſqe, Duc, Cont,* Robert Treſilian, *Appelles come devant, et lours Heires fuſſent deſheritez a tous jours, et qe lours Terres et Tenements, Biens et Chateux, feuſſent forfaits au Roy noſtre dit Seignour. Et les Temporalites du dit Erceveſqe* Deverwik, *del Erceveſche* Deverwik *ſaiſis es mains le Roy noſtre dit Seignour.*

In

In the ſame Parliament *Simon de Beurle* Lord Chamberlain, among other Crimes, was Impeach'd by the Commons for having perſuaded the King to make large Gifts out of the Crown-Revenue to Foreigners, *Bohemians*, to the Impoveriſhment and Oppreſſion of the People.

Item qe la ou le dit Simon *de* Beurle *fuſt Chamberlein noſtre Seignour le Roy, en ſa tendre Age, & tenus de luy Conſeiller pur le mieux, en profit de luy et de ſon Royalme, le dit* Simon *per ſon malveis Inginie, et procurement, conceilla noſtre Seignour le Roy davoir deinz ſon Houſtiel grande Plenitee des Aliens, Beamers, et autres, et de les donner grands douns des Revenus et Commoditees du Royalme, peront noſtre Seignour le Roy eſt grantement empovres et le People du Royalme outrement opreſes.* * *Rot.* ibid. Art. 7.

The Parliament thought the Duke of *Ireland* ſo dangerous a Man that to be rid of him they had given the King a Grant of 30000 Marcs; but when *Suffolk* return'd after his firſt Diſgrace, the Duke of *Ireland* return'd with him.

About

About this time that the Miniſtry might be compleat, and of a piece, there was a Lord Treaſurer of the ſame Stamp with the Chancellor, Chamberlain, and the Duke of *Ireland*, to wit, *John Foord* Biſhop of *Durham*, of whom Sir *John Heyward* gives this Character:

* Life of *Hen.* 4. p. 20.

" * He was a Man of little depth, either in Learning or Wiſdom, but one " that had the Art of ſeeming, in mak- " ing the beſt Shew of whatſoever he " ſpake or did: And riſing from a mean " Eſtate to ſo high a pitch of Ho- " nour, he exercis'd the more exceſ- " ſively his Riot, Avarice, and Ambi- " tion, not able to moderate the Luſts " and Deſires which former Want had " kindled. He at the ſame time was remov'd from the Council, and turn'd out of his Office of Treaſurer.

We have dwelt the longer upon *Michael de la Pool*, becauſe it is the firſt formal and regular Impeachment that we meet with in the Records. And perhaps it will not be unneceſſary to ſay ſomething of a Man that ſo much drew upon him the Hatred of the People.

* Life of *Hen.* 4. p. 16.

* *Hayward* ſays, " He was a Merchant's " Son in *London*, and growing Mighty

" on

" on the ſudden, he could not govern " himſelf in the Change: But Proſpe- " rity laid open the ſecret Faults of his " Mind, which were ſuppreſs'd and " choaked before. *Thomas* of *Walſing-ham* calls him *Michael Atte Pole*, and ſays he was convicted in Parliament of notorious Frauds, * *Convicerant eum nempe de multis Fraudibus, et quibuſdam proditionibus in Regem, quos nequaquam inficiari nequibat, unde et cum reſponſis aſtaret, et objecta negare nequibat, Rex pro ipſo verecundatus et rubore ſuffuſus, caput agitans, heu! heu! inquit* Michael, *vide quid feciſti.* But as ſoon as the Parliament was up, the King took him into greater Favour than before. But the Weight of a Parliament will at laſt bear down a bad Miniſter, ſo that *de la Pool* durſt not ſtand the next Seſſions, but fled to *France* where he died in Exile. But take from *Walſingham* the Character of this Chancellor, with the Account of his Death. * *Hac Æſtata perfidiæ promptuarium*; *Sentina Avaritiæ, Auriga Proditionis, Archa Malitiæ, Odii Seminator, Mendacii Fabricator, ſuſurro nequiſſimus, dolo præſtantiſſimus, artificioſus detractor, Patriæ delator*, Michael Atte Pole, *quondam Comes* Southfolchiæ *Regnique Cancellarius*.

* *Walſing.* p. 324. Num. 10.

* Ibid. p. 339.

larius, ſed nunquam Conſiliarius, conceſſit in fata Pariſiis, merito perfidum evomens Spiritum in terra peregrina.

Simon de Beurle whom the Commons had Impeach'd that Parliament, was beheaded at *Tower-hill.* His being Knight of the Garter exempted him from a more ignominious Sentence that was pronounc'd againſt him. This Man's ſudden Riſe from 20 Marcs to 3000 Marcs *per Annum*, drew the Hatred of the People upon him. * *Dominus de Barlee qui de Patrimonio hæreditario expendre non valuit ultra* XX *Marcas, ſed in paucis annis in obſequio prædicti Regis crevit ad ultra valorem trium mille Marcarum annui proventus.*

* *Knyghton* Col. 2727.

Some perhaps will object, That in the 21 *Rich.* 2. moſt of what had been done 10 and 11 of the ſame Reign was repeal'd. 'Tis true the Fact is ſo, For *Richard*, after he had treacherouſly got into his Hands the Duke of *Gloceſter* his Uncle, and after he had impriſon'd the Earls of *Arundel* and *Warwick*, the only three Lords in whom the People placed any Confidence, the Nation was quite diſperited, inſomuch that the King was

Rot. Parl. 21 *Ri.* 2. Num. 47, 48.

was able to pack a Parliament; which yet could not be brought to do his Buſineſs, 'till it was adjourn'd from *Weſtminſter* to *Shrewsbury*. There he did what he would by the Help of Sir *John Buſhie* (then Speaker of the Houſe of Commons) Sir *William Bagot*, and Sir *John Green*, of whom Sir * *John Hayward* ſays, "Theſe were "then in all the Credits and Autho- "rity with the King, and his chief- "eſt School-maſters, both of Cruelty "and Deceit: They were proud, ar- "rogant and ambitious, and upon "confidence of the King's Favour, "profeſs'd Enemies to Men of anci- "ent Nobility; to the end, that being "lately ſtart up, they might become "more famous by maintaining Con- "tention with great Perſons. And "firſt by their importunate Travail "all the Charters of Pardon, granted "by the King were in this Parlia- "ment annulled and revoked." Theſe Pardons were revoked while the Parliament ſate at *Weſtminſter*, where *Thomas Arundel* Archbiſhop of *Canterbury* was baniſh'd, and his Temporalities ſeiz'd: All the other irregular Matters were tranſacted at *Shrewsbury*.

* Life of *Hen.* 4. p. 84.

But what was the End of all this Violence, and breaking in upon the Rights of Parliament? 'Tis ſeen in the Story, the People thereupon grew ſo diſcontented that *Henry* Duke of *Lancaſter* was encouraged to come and invade the Kingdom with ſome few Friends, and of Soldiers, only fifteen Launces in his Company, who was chearfully embrac'd by the whole Nation. One of the firſt Things done in the Reign of *Henry* the 4th was to Repeal all that had paſs'd at the Parliament held at *Shrewsbury*, and to affirm all that was done 11 *Rich.* 2. * *Qel Parlement feuſt tenuz pur Grand honur et Comune Profit de tout le Royalme.* And here 'tis to be noted, That in the Firſt Article againſt King *Richard* II. when he abdicated the Throne, 'twas objected to him, That he did waſtfully ſpend the Treaſure of the Realm, and had given the Poſſeſſions of the Crown to Men unworthy, by reaſon whereof new Charges were laid on the Necks of the poor Commonalty. But take the whole Article.

* *Rot. Parl.* 1 *Hen.* 4. Num. 66 & 67.

* *Rot.* ibid. Num. 18. * *Imprimis abjicitur Regi* Richardo, *quod propter malum regimen ſuum videlicet*

licet bona et Poſſeſſiones ad Coronam ſuam ſpectantia, etiam perſonis indignis donando, et alias indiſcrete diſſipando, et ob hoc collectas et alia Onera gravia et importabilia Populo ſine cauſa imponendo, nec non alia mala innumerabilia perpetrando, alias de aſſenſu, et mandato ſuis per totum Parliamentum ad gubernationem Regni certi Prælati et alii Domini temporales erant electi, et aſſignati, qui totis viribus ſuis circa juſtam Gubernationem regni, propriis ſumptibus ſuis, fideliter laborarent, tamen Rex facto per eum Conventiculo, cum ſuis complicibus, dictos dominos tam Spirituales quam Temporales circa Regni utilitatem occupatos de alta Proditione impetere proponebat Juſticiarios Regni ad ſuum nefandum propoſitum roborandum metu mortis et cruciatus Corporis violenter attraxit, dictosdominos deſtruere ſatagendo.

The Fate of *Michael de la Pool* could not work upon his Grandſon *William de la Pool*, ſo as to make him a better Man towards the Public. For we find this *William* Duke of *Suffolk*, treading in his Grandfather's Steps, and ſo acting in his Miniſtry, as to pro-

voke an Accuſation from the Houſe of Commons.

The Grants out of the Crown Revenue which he had procur'd for himſelf, and thoſe of his Alliance and Party, occaſion'd ſo much popular Anger, that in the 28 Year of *Henry* VI. he drew upon himſelf an Impeachment, the firſt part of which contains Matter of High Treaſon; in the ſecond part he is accus'd of divers great Offences, Miſprifions, untrue Labours, and falſe Deceits; but we ſhall only take notice of thoſe Articles which relate to our preſent Subject.

Rot. Parl. 28 *Hen.* 6. Num. 28.

" To the Kyng our Soverayne Lord " ſheweth, and with dolorous La- " mentations Compleyneth youre true " feithfull Subgettes and Comons be- " yng in this youre preſent Parlement, " by youre Commaundement Roial, " That *William de la Pole*, Duke of " *Suffolk*, hath doone, and cauſed to " be doone, ayents youre Regalie, " Honour, Eſtate and Proſperite of " youre mooſt noble Perſone, and the " Wele of youre true Subgettes of " youre

" youre Reames of *Englond*, and
" *Fraunce*, youre Duchies, *Guyen*, and
" *Normandy*, and other Places under
" your Obeiſance, divers grete Offen-
" ces, Miſpriſions, untrue Labours
" and fals Deceytes in Manner and
" Fourme enſueying.

" Firſt, The ſeid Duke the 16th Num. 29.
" Yere of youre Reigne, then beyng
" next and Pryvyeſt of youre Coun-
" ſeil, and Steward of your Houſe-
" hold, then and many Yeres ſeth, for
" covetiſe of grete lucre of good ſin-
" gulerly to hymſelf, ſturred and
" moeved youre Highneſſe, the ſeid
" 16th Yere, Ye thenne beyng in Pro-
" ſperite, and havyng grete Poſſeſſions,
" to yeve and graunte moche partie of
" youre ſeid Poſſeſſions to divers Per-
" ſones in your ſeid Reame of *Eng-*
" *lond*, by the which ye be gretely em-
" poveriſhed, the Expences of youre
" honourable Houſehold, and the
" Wages and Fees of youre menyal
" Servants not payed, youre Warde-
" robe, the Reparations of youre Ca-
" ſtells and Manners, and youre other
" ordinary Charges were not had ſa-
" tisfyed nor doo, and ſo by his ſub-

" till Counſeil, importune and unpro-
" fitable Labour, to youre mooſt High
" and Royal Eſtate, the Revenues of
" the Demeſnes and Poſſeſſions of
" youre Corone, youre Duchie *Lan-*
" *caſtre*, and other youre Enheritaunces
" have bee ſo amennſed and amentyſ-
" ed, that youre Commons of this
" youre Reame have bee ſoo ymport-
" tably charged that it is nygh to
" their fynal Diſtruction.

Num. 30. " *Item*, The ſeid Duke havying al-
" wey inordinate Covetiſe, hath by
" ſotill means and ſiniſtre Suggeſtions,
" for his eſpecyal availle, cauſed
" you to graunt many Priviledges
" Fraunchiſes, *&c.*

Num. 31. " *Item*, The ſeid Duke, for the ſin-
" guler enritchyng of his Nece, and
" her Husbond, Son to the Capidawe,
" cauſed you to make the ſeid Sonne
" Earl of *Kendale*, to geve hym
" grete Poſſeſſions and Enheritaunces
" in *Englond*, and over that to graunte
" hym dyvers Caſtells, Lordſhipps and
" grete Poſſeſſions in youre Duchie of
" *Guyen*, to the yerely value of one
" thouſand pound and more, *&c.*

" *Item*,

" *Item*, The ſeid Duke, within this Num. 32.
" youre Reame, hath untruly Coun-
" ſeilled you to graunte fro you, with-
" oute due Conſideration the Caſtell of
" *Mawlyon de Sool* in *Guyen*, &c.

The Five next following Articles relate to his Tranſactions in Foreign Parts, which we omit.

" *Item*, Whereas well full many Num. 38.
" Quinſiſmes Diſmes Subſidies of Mer-
" chandiſes and other Charges have ben
" graunted to you by the Commons
" of this youre Reame aſſembled in
" your Parlements, as Diſmes and
" other Charges ſpirituel, have ben
" graunted to you by the Clergy of
" this youre Reame, for the defence
" and tuytion of the ſame, and the
" ſauf kepying of the Sea, the ſeid
" Duke of *Suffolk* hath cauſed grete
" partie of the Revenues herof to ben
" applyed to other Uſe and Diſpence,
" to you not Profitable; and ſo the
" defence of this your Reame, and the
" ſauf kepyng of the Sea not hadde
" nor kepte, to our grete empoveriſh-
" yng and hurt of this youre Reame.

Num. 39. " *Item*, The ſeid Duke of *Suffolk* " hath cauſed the French Queen to " have of the Revenues of this your " Reame, *&c.*

Num. 40. " *Item*, That where the Lord *Sude-* " *ley*, late youre Treaſourer of this " your Reame, the tyme of his de- " partier out of his ſeid Office, of his " grete Trouth and Prudence for the " defence of youre ſeid Reame, and " ſupport of the Charges neceſſarie of " the ſame, left in youre Treaſourie " in redy Money and ſure payment the " ſome of 60000 *l.* of Quinſiſmes and " Diſmes, and other Revenues of this " youre Reame, which Money, if it " had be well diſpended, and to ſuch " entent as it was left fore, in youre " Treſourie, wold gretely have holpen " to the Defence of the ſame, the grete " parte of which 60000 *l.* by the La- " bour and Means of the ſeid Duke of " *Suffolk*, hath ben myſcheavouſly " yeven and diſtribute to hymſelf, his " Frendes, and Wele-willers: For " lakke of which Treaſoure noo Ar- " mee nor competent Ordeinance " myght be ſufficiently in due tyme " purveyed for thees Premiſſes.

Item,

" *Item*, the ſeid Duke of *Suffolk*, Num. 41.
" by his full comberous Suyte, and
" fals coloured Suggeſtions, without
" eney Merite or deſervyng, hath op-
" tayned of youre Geft to hym in
" Eſtate of Enheretaunce the Erldome
" of *Pembroke*, the Reverſion of the
" Lordſhippe of *Haverford Weſt*, af-
" ter the Deth of Sir *Rowland Len-*
" *thale* with other grete Caſtells and
" Lordſhipps, as well in *Englond* as in
" *Wales*, and dyvers grete Wards and
" Marriages of Heirs, and their En-
" heritaunces, in ſpecial of *Margerette*
" Doughterr and Heire of *John* late
" Duke of *Somerſet*, by which ye
" have hadde over grete dammage,
" for it wold heve ſufficed to a grete
" part of the Expenſe of youre Houſ-
" hold.

The next Article relates to his having embezzel'd ſeveral Bonds remaining in the Treaſury. The next to his having embezzel'd ſeveral Writs. The next for his having procur'd an irregular Pardon for *William Tailleboys* a Debtor to the King. Which Articles being long we omit.

" *Item*, The ſeid Duke conceyvyng Num. 45.
" himſelf to be with you privyeſt,

" and

" and beſt truſted, by full many
" Yeres hath preſumed upon hymſelf
" to name to yovre Highneſſe, and
" cauſed to be made dyvers Perſones
" Shirreves of many youre Countees,
" in this youre Reame, ſome for lu-
" cre of good, and ſome to be apply-
" able to his entent and Commande-
" ment, to fulfylle his Deſyres and
" Wrytyngs, for ſuch as hym lyked;
" to thentent to enhaunce hymſelfe and
" have over grete and unfyttyng
" Rule in this youre Reame: Wherof
" enſued, that they that wold not be of
" his Affinite in their Countreys, were
" every Matter, true or fals, that he
" favour'd, was furthered and ſpedde,
" and true Matters of ſuch Perſones as
" had not his Favour, were hynder-
" ed and put abakke, Perjuries ther-
" by encreaſed, many of youre true
" Lieges by his Might and help of his
" Adherents diſherited, empoveriſh-
" ed and diſtrowed, &c.

The next Article relates to one of his Foreign Tranſactions.

Num. 47. " Of all which Offences, Miſpri-
" ſions and untrue Labours, and falſe
" Deceytes, in the ſeid Atticles ſpe-
" cifyed, We youre ſeid Commons
" Ac-

" Accuſe and Empeche the ſeid Duke
" of *Suffolk*. And in the moſt hum-
" ble wyſe beſeche and pray youre
" Highneſſe, that this been enacted
" in this youre high Court of Par-
" lement. And that it may be pro-
" ceeded upon the Premiſes ayenſt
" the ſeid Duke, during the ſame Par-
" lement, as the Matters and Cauſes
" forefeid requiren, in Conſervation
" of Juſtice, to the ſinguler Comfort
" of all youre Leige People, youre
" Rightwiſeneſſe conſidering that the
" ſeyd Miſpriſions, Fawtes and other
" full untrue coloured Counſeils and
" myſcheivous Dedes of the ſame
" Duke, which to reherce were over-
" long, and to diffuſe have ben the
" Ground and Cauſe of the Subver-
" ſion of youre Laws and Juſtice and
" Execution thereof, and to the
" nygh likely Deſtruction of this
" youre Reame and other Places un-
" der youre Obeyſaunce.

The 9th of *March* the Duke was brought from the *Tower*, where the Accuſations and Impeachments of the Commons were declared to him, of which he deſires a Copy. Num. 48.

The 13th of *March* the Duke was again brought before the Lords Spiritual Num. 49.

ritual and Temporal, where, kneeling, he anſwer'd all the Articles of Treaſon by himſelf, and utterly denyed them.

Num. 50. " The 14th day of *Marche* the " Chief Juſtice rehearſed to all the " Lords by the King's Commande- " ment, ſaying, that it is well in " youre Remembrance, in what wyſe " the Duke of *Suffolk* demeaned hym " here yeſterday, And upon that ax- " ed a Queſtion, What Advyſe the " Lords wold yeve to the Kyng? " what is nowe to do furthermore in " the matter, which Advyſe was de- " ferred unto *Monday* then next com- " yng, on the which *Monday* was " noothyng doone in that matier.

Num. 51. " *Memorandum*, That on *Tueſday* " the 17th day of *Marche* the Kyng " ſent for all his Lords both Spirituell " and Temporell then beyng in " Towne [then the Lords preſent are " recited] into his inneſt Chamber, " with a Gabill Windowe, over a " Cloyſter, within his Paleys of *Weſt-* " *minſter*, and whenn they were all " aſſembled, the Kyng ſent for the " Duke of *Suffolk*, the which Duke, " whenn he came into the Kynges " Preſence, he kneeled down, and ſo

" he

" he kneeled continuelly ſtille, unto " the tyme the Chauncellour of *Eng-* " *lond* had ſeid to hym the Kyngs " Commandement, in Fourme that " followeth.

" Sire ye be well remembred, when " ye were laſt in the Kynges Pre- " ſence and his Lords of youre An- " ſwers and Declarations upon certeyn " Articles touching Accuſations and " Impechements of grete and horri- " ble thyngs put upon you by the " Commons of the Lond aſſembled in " this preſent Parlement, in ther firſt " Bill preſented by theym to the " Kyngs Highneſſe, and how at that " time ye putte you not uppon youre " Parage. What wold ye ſey nowe " further more in that matier.

" And the ſeid Duke anſwer'd and " ſeid, they were too horrible to ſpeke " more of theym, and ſeid openly to " the Kyng, and all the Lordes, that " all the Articles comprehended in the " ſeid Bille touchyng the Kyngs high " Perſone and thaſtate of his Royalme, " he truſteth to God he hath an- " ſwered hem ſufficiently for he hath " denyed the Dayes, the Yeres, the " Places, and the Commumications " hadd, which were never thought

" nor

" nor wrought; ſeying utterly they
" ben fals, and untrue and in manner
" impoſſible, for he ſeid ſoo grete
" thyngs coud not be done nor
" brought aboute by hymſelf alone,
" onleſſe that other Perſones had doon
" her partie, and be privy therto, as
" well as he, and he toke his Soule
" to perpetuel Damnation yf ever he
" knew more of thoo Maters than
" the Childe in the Moders Wombe.
" And ſoo he not departyng from his
" ſeid Anſwers and Declaration, ſub-
" mytted hym hooly to the Kynges
" Rule and Governance, to doo with
" hym as hym liſt, wheruppon the
" ſeid Chaunceller by the Kynges
" Commaundement ſeid unto hym
" ageyne in this Fourme.

" Sire y conceyve you that ye not
" departyng from youre Anſwers and
" Declarations in the Matters afore-
" ſeyd, not puttyng you uppon youre
" Parage, ſubmitte you hooly to the
" Kynges Rule and Governaunce.

" Wherfore the Kynge command-
" eth me to ſey you, that as touch-
" yng the grete and horrible thynges
" in the ſeid firſt Bille compriſed, the
" Kyng holdeth you nether declared
" nor charged.

" And

" on the ſudden, he could not govern " himſelf in the Change: But Proſpe- " rity laid open the ſecret Faults of his " Mind, which were ſuppreſs'd and " choaked before. *Thomas* of *Walſing-ham* calls him *Michael Atte Pole*, and ſays he was convicted in Parliament of notorious Frauds, * *Convicerant eum nempe de multis Fraudibus, et quibuſdam proditionibus in Regem, quos nequaquam inficiari nequibat, unde et cum reſponſis aſtaret, et objecta negare nequibat, Rex pro ipſo verecundatus et rubore ſuffuſus, caput agitans, heu! heu! inquit* Michael, *vide quid feciſti.* But as ſoon as the Parliament was up, the King took him into greater Favour than before. But the Weight of a Parliament will at laſt bear down a bad Miniſter, ſo that *de la Pool* durſt not ſtand the next Seſſions, but fled to *France* where he died in Exile. But take from *Walſingham* the Character of this Chancellor, with the Account of his Death. * *Hac Æſtata perfidiæ promptuarium; Sentina Avaritiæ, Auriga Proditionis, Archa Malitiæ, Odii Seminator, Mendacii Fabricator, ſuſurro nequiſſimus, dolo præſtantiſſimus, artificioſus detractor, Patriæ delator,* Michael Atte Pole, *quondam Comes* Southfolchiæ *Regnique Cancellarius*

* *Walſing.* p. 324. Num. 10.

* Ibid. p. 339.

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" nor

" nor wrought; ſeying utterly they
" ben fals, and untrue and in manner
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" thyngs coud not be done nor
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" onleſſe that other Perſones had doon
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" well as he, and he toke his Soule
" to perpetuel Damnation yf ever he
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" the Childe in the Moders Wombe.
" And ſoo he not departyng from his
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* *Walſing.* p. 324. Num. 10.

* Ibid. p. 339.

" he is to make it clearly and expreſly " known to the King, with true Ad- " vice and Counſel; And, in all that " he may, he is to do, and purchaſe " the King's Profit." So that more than any other, as the higheſt Officer, and as the laſt Check, the Laws preſume him to conſult for the King's good. Therefore if the Grant be exorbitant, if it be made to an undeſerving Perſon, if it notoriouſly ſurpaſſes the Merits of the Suitor, if it was obtain'd upon wrong Suggeſtions, if it occaſions Obloquy to the Government, or Diſcontent among the People, if the King's Debts are many and clamorous, if the Nation labours, at the ſame time as the Gift is made, under heavy Taxes; and if the Grant tends greatly to the Hurt and Impoveriſhment of the Crown (with all which Matters the Law preſumes ſo great a Miniſter in the State to be acquainted) he is bound in Duty and by his Oath not to fix the Great Sale to the ſaid Grant, but thereupon faithfully and impartially to adviſe the King: And Chancellors who have acted otherwiſe, and who, contrary to the Truſt of their Office, have ventur'd to paſs outragious Gifts, *Douns Outrageuſes*, as the Records call 'em, whereby the Crown has been

" And as touchyng the ſecond Bille, " putte ayenſt you touchyng Miſpryſions " which be not Crymynal, the Kynge by " force of youre Submiſſion by his owne " Advyſe, and not reporting hym to " thadvyſe of his Lordes, nor by wey of " Judgment, for he is not in place of " Judgment, putteth you to his Rule and " Governaunce, That is to ſay that ye, " before the firſt day of *May* next com- " yng, ſhall abſent your ſelf out of his " Reame of *Englond*. And alſo from the " ſeid firſt Day of *May* unto the end of " five Yeres next following, and fully " complete, ye ſhall abſteyne to abyde in " the Reame of *Fraunce*, or in eny other " Lordſhippes or Places beyng under his " Obeyſaunce wherſoever they be. And " that ye ſhull not ſhewe nor wayte nor " no Man for you, as far forth as ye may " lette it, no malice evil will, harme ne " hurte to eny Perſone of what degree " he be of, or to eny of the Commons " of this Parlement, in noe manner of " wyſe, for eny thing doon to you in " this ſeid Parlement or elles where.

" And forthwith the Viſcount *Bea-* " *mount*, on the behalf of the ſeid Lordes " both Spirituels and Temporelx, and by " their Advyſe Aſſent and Deſire recited " ſeid and declared to the Kyngs High-

" neſse, that this that was ſo decreed and " doon by his Excellence, concernyng " the perſone of the ſeid Duke, proceded " not by theyre Advyſe and Counſeil, " but was doon by the Kyngs own de- " meanaunce and rule, wherfore they be- " ſought the Kynge that this their ſeiyng " myght be enacted in the Parlement " Rolle, for theyr more declaration here- " after, with this Proteſtation, that it " ſhould not be nor tourn in prejudice nor " derogation of theym, theyr Heyres ne " of theyr Succeſſors in tyme comyng, " but they may have and enjoy theyre " Lybertee and Freedome in caſe of theyr " Parage hereafter, as freely and as largely " as ever they or eny of theyre Aun- " ceſters or Pedeceſſours had and enjoyed " before this tyme.

Thus *William de la Pool*, Duke of *Suffolk*, the Kings Favourite and the Queens Minion, was impeach'd by the Commons, and baniſh'd by the Regal Authority. *Grafton* ſpeaking of him, ſays, " He was " notorious for enrychyng Hymſelf with " the Kynges Goods and Lands, gather- " ing together and making a Monopoly " of Offices, Fees, Wards and Ferms, by " reaſon whereof the Kynges Eſtate was " greatly myniſhed and decayed, and he " and his Kin highly exalted and enrich- " ed. " Be-

Graft. Chron. p. 609.

" Beſides the ſame Author ſays, He had " dipp'd his hands in Blood, having been " a chief Inſtrument in contriving the " Murther of *Humphry* Duke of *Gloſter*. " But Sanguinary Men ſeldom eſcape un- " puniſh'd, for this Duke of *Suffolk* had " his own Head ſtruck off upon the ſide " of a Cock-boat by a Servant belonging " to the Duke of *Exeter*. *Ibid. p. 610.*

Sir *Robert Cotton* cites an Old Author, who gives an admirable Deſcription of thoſe times. " He ſays, I will tell you " what I found ſince this Aſſembly at " *Oxford*, written by a Reverend Man " twice Vice Chancellor of this Place: his " Name was *Gaſcoin*; a Man that ſaw the " Tragedy of *De la Pool*: He tells you, " that the Revenues of the Crown were " ſo rent away by ill Council, that the " King was enforced to live *de Tallagiis* " *Populi*: That the King was grown in " debt *quinque centena millia librarum*: " That his great Favourite, in treating of " a foreign Marriage, had loſt his Maſter " a foreign Duchy. That to work his " Ends, he had caus'd the King to ad- " journ his Parliament *In villis & remotis* " *partibus Regni*, where few People, *pro-* " *pter defectum hoſpitii & victualium*, " could attend, and by ſhifting that Aſ- " ſembly from place to place, to inforce *Cot. Poſt. p. 280. In his Speech to the Houſe of Commons.*

" (I will uſe the Authors Words) *illos pau-*
" *cos qui remanebant de Communitate Regni,*
" *concedere Regi quamvis peſſima.* When the
" Parliament endeavour'd by an Act of Re-
" ſumption, the juſt and frequent way to
" repair the languiſhing State of the Crown
" (for all from *Hen.* 3. but one, till the
" 6 of *Hen.* 8. have uſed it) this great
" Man told the King it was *Ad dedecus*
" *Regis*, and forced him from it: To which
" the Commons anſwer'd, although *Vex-*
" *ati laboribus & Expenſis, quod nun-*
" *quam concederent Taxam Regi*, until by
" Authority of Parliament, *Reſumeret*
" *actualiter omnia pertinentia Coronæ Ang-*
" *liæ.* And that it was *Magis ad dedecus*
" *Regis*, to leave ſo many poor men in in-
" tolerable want, to whom the King ſtood
" then indebted. Yet could not all good
" Council work, until by Parliament that
" bad Great Man was baniſh'd, which
" was no ſooner done, but an Act of Re-
" ſumption followed the Inrollment of
" the Act of his Exilement.

Sir *Robert Cotton*, that learned Anti-
qary, is ſo intirely in the Right in this
Aſſertion, that whoever looks over the
Records will find, that there is not ſo
much as a line interpoſed between the
Proceedings againſt the Duke of Suffolk,
and the Act of Reſumption, ſo quickly they
followed

followed one another: **Which ought to be a perpetual Notice and Leſſon to Poſterity, that when the People of** England **deſire an Act of Reſumption, the Work muſt begin with Impeaching Corrupt Miniſters.**

We have hitherto produc'd Impeachments of elder Times, which perhaps the Perſons concern'd in point of Intereſt, will call old muſty Records; We ſhall therefore now proceed to ſhow ſome Preſidents of a later date.

As our Anceſtors held it a Crime for Men to procure to themſelves Offices above their Capacity, and Gifts and Grants from the Crown beyond their Deſerts, ſo in this latter Age the Houſe of Commons have thought the like Proceedings not for the King's Honour, and dangerous to the Publick.

It was an Article againſt the Duke of *Buckingham*, that he had ſuch a Multiplicity of High Offices in the State, as no one Perſon could well and truly diſcharge. 2 *Car.* 1.

That for his own particular Gain he had ſold Patents to be Peers of *England*, to the prejudice of the Gentry, and diſhonour of the Nobility of this Kingdom.

That beſides his great Employments, and the Profits thereunto belonging, which might have ſatisfy'd any moderate Ambition, He had procur'd to himſelf ſeveral Grants of the Crown Revenue, amounting to a high Value.

But that the Reader may have this matter of Impeachments more fully before him, we ſhall here incert the three Articles which have Reference to our preſent ſubject, tho they are already publiſh'd in *Ruſhworth.*

Ruſh. Coll. 1 *vol. p.* 306. *Art.* I. " That whereas the Great Offices, " expreſſed in the ſaid Duke's Stile and Ti- " tle, heretofore have been the ſingular " Preferments of ſeveral Perſons, eminent " in Wiſdom and Truſt, and fully able for " the weighty Service, and greateſt Employ- " ments of the State, whereby the ſaid Offi- " ces were both carefully and ſufficiently exe- " cuted by ſeveral Perſons, of ſuch Wiſdom, " Truſt, and Ability: And others alſo that " were employ'd by the Royal Progenitors " of our Sovereign Lord the King in Places " of leſs Dignity, were much encouraged " with the Hopes of Advancement. And " whereas divers of the ſaid Places ſeve- " rally of themſelves, and neceſſarily re- " quire the whole care, induſtry, and at- " tendance of a moſt provident, and moſt " able Perſon: He the ſaid Duke, being " young and unexperienced, hath, of late " Years,

" Years, with exorbitant Ambition, and
" for his own profit and advantage, procu-
" red and ingroſſed into his own hands
" the ſaid ſeveral Offices, both to the dan-
" ger of the State, the prejudice of that Ser-
" vice which ſhould have been performed
" in them, and to the great diſcourage-
" ment of others; who by this his procuring
" and ingroſſing of the ſaid Offices, are pre-
" cluded from ſuch hopes, as their Ver-
" tues, Abilities and Publick Employments,
" might otherwiſe have given them.

Art. IX. " Whereas the Titles of Ho- P. 334.
" nour of this Kingdom of *England* were
" wont to be conferred as great Rewards,
" upon ſuch virtuous and induſtrious Per-
" ſons as had merited them by their faith-
" full Service; the ſaid Duke, by his im-
" portunate and ſubtle Procurement, had
" not only perverted that antient and moſt
" honourable Way, but alſo unduly, for his
" own particular Gain, he hath enforced
" ſome that were rich (though unwil-
" ling) to purchaſe Honour: as, the Lord
" *R.* Baron of *T.* who, by practice of the
" ſaid Duke and his Agents, was drawn
" up to *London*, in or about *October*, in
" the Two and twentieth Year of the
" Reign of the late King *James* of famous
" Memory, and there ſo threatned and
" dealt withal, that by reaſon thereof he

" yielded to give, and accordingly did
" pay the ſumm of Ten thouſand pounds
" to the ſaid Duke, and to his uſe: For
" which ſaid Summ, the ſaid Duke, in the
" Month *January*, in the Two and twen-
" tieth Year of the ſaid late King procu-
" red the Title of Baron *R.* of *T.* to the
" ſaid Lord *R.* In which practice, as the
" ſaid Lord *R.* was much wronged in this
" particular, ſo the example thereof ten-
" deth to the prejudice of the Gentry,
" and diſhonour of the Nobility of this
" Kingdom.

p. 340. *Art.* XII. " He the ſaid Duke not
" contented with the great Advancement
" formerly received from the late King,
" of famous Memory, by his procurement
" and Practice, in the fourteenth Year of
" the ſaid King, for the ſupport of the
" many Places, Honours, and Dignities
" conferred on him, did obtain a Grant
" of divers Manners, Parcel of the Re-
" venue of the Crown, and of the Duchy
" of *Lancaſter*, to the yearly value of One
" thouſand ſix hundred ninety ſeven
" pounds two ſhillings half-penny far-
" thing, of the old Rent, with all Woods,
" Timber, Trees, and Advowſon; part
" whereof amounting to the Summ of Se-
" ven hundred forty ſeven pounds thir-
" teen Shillings and four Pence, was rated

" at

" at Two and thirty thouſand Pounds,
" but in truth of a far greater Value. And
" likewiſe in the Sixteenth Year of the
" ſame Kings Reign, did procure divers
" others Manners annexed to the Crown
" of the yearly value, at the old Rent, of
" Twelve hundred Pounds or thereabouts,
" according as in a Schedule hereunto an-
" nexed appeareth: In the Warrant for
" paſſing of which Lands he, by his great
" Favour procured divers unuſual Clauſes
" to be incerted, (*viz.*) That no Perqui-
" ſites of Courts ſhould be valued, and
" that all Bailiffs Fees ſhould be repriſed in
" the Particulars upon which thoſe Lands
" were rated; whereby a Preſident hath
" been introduced, which all thoſe who,
" ſince that time, have obtained any Lands
" from the Crown, have purſued to the
" damage of his late Majeſty, and of our
" Sovereign Lord the King that now is,
" to an exceeding great Value. And af-
" terwards he ſurrendred to his ſaid Ma-
" jeſty divers Mannors and Lands, parcel
" of thoſe Lands formerly granted unto
" him, to the Value of Seven hundred
" twenty three Pounds eighteen Shillings
" and two Pence Half-peny *per annum*; in
" conſideration of which ſurrender, he
" procured divers other Lands of the ſaid
" late King to be ſold and contracted for,

" by

" by his own Servants and Agents, and
" thereupon hath obtained Grants of the
" ſame, to paſs from his late Majeſty, to
" ſeveral Perſons of this Kingdom, and
" hath cauſed Tallies to be ſtricken for the
" Money, being the Conſideration menti-
" oned in thoſe Grants in the Receipt of
" the Exchequer, as if any ſuch Moneys
" had really come to his Majeſties Coffers;
" whereas the Duke (or ſome other by his
" Appointment) hath indeed received the
" ſame Summs, and expended them upon
" his own Occaſions. And notwithſtand-
" ing the great and ineſtimable Gain by
" him made by the ſale of Offices, Ho-
" nours, and by others Suits by him ob-
" tained from his Majeſty, and for the
" countenancing of divers Projects, and
" other Courſes, burthenſome to his Ma-
" jeſty's Realms, both of *England* and
" *Ireland*; the ſaid Duke hath likewiſe,
" by his procurement and practice, recei-
" ved into his hands, and diſburſed to
" his own uſe, exceeding great Summs,
" that were the Moneys of the late King
" of famous memory, as appeareth alſo in
" the ſaid Schedule hereunto annexed:
" And the better to colour his doings in
" that behalf, hath obtained ſeveral Pri-
" vy-Seals from his late Majeſty, and his
" Majeſty that now is, warranting the

Payment

" Payment of great Summs to Perſons by
" him named, cauſing it to be recited in
" ſuch Privy-Seals, as if thoſe Summs were
" directed for ſeeret Services concerning
" the State, which were notwithſtanding
" diſpoſed of to his own uſe; and other
" Privy-Seals by him have been procured
" for the diſcharge of thoſe Perſons with-
" out Accompt; and by the like fraud
" and practiſe, under colour of free Gifts
" from his Majeſty he hath gotten into his
" hands great Sums which were intended
" by his Majeſty, to be diſburſed for the
" preparing, furniſhing and victualling of
" his Royal Navy; by which ſecret and
" colourable devices the conſtant and or-
" dinary courſe of the Exchequer hath
" been broken, there being no means by
" matter of Record to charge either the
" Treaſurer or Victualler of the Navy with
" thoſe Sums which ought to have to come
" to their hands, and to be accompted for
" to his Majeſty; and ſuch a Confuſion
" and Mixture hath been made between
" the Kings Eſtates and the Dukes as can-
" not be cleared by the legal Entries and
" Records, which ought to be truly and
" faithfully made, and kept, both for the
" ſafety of his Majeſty's Treaſure, and for
" the indempnity of his Officers, and Sub-
" jects whom it doth concern. And alſo

" in

" In the Sixteenth Year of the ſaid King, " and in the Twentieth Year of the ſaid " King, he did procure to himſelf ſeve- " ral Releaſes from the ſaid King of di- " vers great Summs of Money of the ſaid " King by him privately received, and " which he procur'd, that he might de- " tain the ſame for the ſupport of his Pla- " ces, Honours, and Dignities. And " theſe things, and divers others of the " like kind, as appeareth in the Schedule " annexed, hath he done, to the exceed- " ing diminution of the Revenue of the " Crown, and in deceit both of our Sove- " raign Lord the King that now is, and " of the late King *James* of famous Me- " mory, and to the detriment of the whole " Kingdom.

The Duke eſcaped this Storm by the ſudden Diſſolution, which was chiefly to ſave him, however in the next Parliament 4 *Car.* 1. he was again attacked as freſhly as before, which again he had Intereſt enough to get diſſolv'd; but had he liv'd to ſee another, he muſt undoubtedly have ſunk under the juſt Anger of the Houſe of Commons.

For the People of *England* have never patiently born to ſee immoderate Wealth, Power and Honours, with variety of Great Offices, conferr'd upon any ſingle Perſon.

Hardly

Hardly any Favourite had Nobler Qualities than this great Man; He was Beautiful in his Perſon, Magnificent in his Nature, and not without either Heart or Underſtanding. Many People had taſted of his Private Liberalities; He would hunt out for Perſons of Merit, and bring 'em from their moſt ſecret Retirements, into Buſineſs. He was rough only to his Enemies, but moſt earneſt and ready to oblige his Friends; He would often get for others what he might conveniently have kept for himſelf; He governed not only his Domeſtick Affairs, but his Tranſactions in the State, by the Advice of a ſelect number of Friends, all able Men, but not engaged in Publick Matters, whom he retain'd in his Service by Penſions out of his own Purſe. And yet, thus qualify'd as he was, it was not thought reaſonable in Parliament, that ſo high Honours, ſo much Wealth and Power, and ſuch a multiplicity of Employments, ſhould be conferr'd upon ſo young a Man.

If ſuch a one could not ſtand before the People, much leſs will they, in any future Reign, bear to ſee Men with the like Wealth, pour'd upon 'em, and in the like Station of Power and Favour, who have none of his Qualifications, who are contemptible in their Figures, who make no

Expence

Expence but what tends to their private Luxury, of whoſe Bounty no one ever taſted, who bar the Court Gates to any Merit, who never did any kind Office, who make a ſale of all Employments, who creep to their Enemies, and ſlight their Friends, who never did good but for themſelves, or to here and there an humble Flatterer, and who never, in their Tranſactions for the State, govern themſelves by the Advice of grave Friends, but act all things upon their own giddy Heads, ever drown'd in Wine, or heated by Debauches.

Journal of the Houſe of Commons.

But to return to our preſent Matter. *Martis die* 24 *Nov.* 1640. There were Reported eight Articles in maintenance of the Commons Accuſation againſt the Earl of *Strafford*, which were agreed upon the day following, and of which the IIId Article is,

" That the better to inrich and enable himſelf to go through with his Traiterous " Deſigns, he hath detained a great Part " of his Majeſty's Revenue, without giving Legal Account; and hath taken " great Summs out of the Exchequer, " converting them to his own uſe, when " his Majeſty wanted Money for his own " Urgent Occaſions, and his Army had " been a long time unpaid.

In

In the Heads of the Accuſation againſt the Earl of *Clarendon*, reported by Sir *Thomas Littleton*, *Wedneſday* 6 *Nov.* 1667. one of the Articles was:

Art. 8. "That he hath in a ſhort time "gained to himſelf a greater Eſtate than "can be imagined to be gained lawfully in "ſo ſhort a time; and, contrary to his "Oath, hath procured ſeveral Grants "under the Great Seal from His Maje-"jeſty to himſelf and Relations, of ſeve-"ral of His Majeſty's Lands, Heredita-"ments and Leaſes, to the Diſprofit of "his Majeſty. *Journal of the Houſe of Commons.*

We all know the Impeachment againſt that Noble Earl, was rather a Court-Deſign, than carried on by good Patriots. The Zeal he had ſhown for the Laws of his Country had ſtirr'd him up ſome Enemies: And becauſe he would not make a Difference between the King and Duke of *York*, he choſe to retire, which Retirement was follow'd by an Act to baniſh him: But had he he ſtaid, and ſtood his Trial, no doubt he had juſtified himſelf in this and in the other Articles. For upon Enquiry, the Writer of theſe Papers is inform'd that he had not procured any Grant of the Crown Demeaſnes: And as to *Clarendon* Park, now in the Family, and which was Crown-Land, that he bought it at the full Va-

lue

lue, of the Old Duke of *Albemarl*, who had begg'd it of the King. But if he had received any Gift of Forefeited Eſtates, or in Money, his long ſervices and ſufferings, and his having been a Companion in his Maſter's Exile might very well deſerve any ſuch ſort of Bounty.

Journal of the Houſe of Commons.

" *Jovis* 15 *die Jan.* 1673. Articles of " Treaſonable and other Crimes of high " Miſdemeanor againſt the Earl of *Arling-* " *ton*, Principal Secretary of State, being " open'd, were preſented to the Houſe, " and read. The Articles containing matter of Treaſon were ſeven. It was further open'd, That the ſaid Earl had been guilty of many undue Practices to promote his own Greatneſs, and had embezzel'd and waſted the Treaſure of his Nation.

Art. 1. " By procuring vaſt and Exor- " bitant Grants for himſelf both in *Eng-* " *land* and *Ireland*, breaking into the " Settlement of that Kingdom, and diſ- " poſſeſſing ſeveral *Engliſh* Adventurers and " Soldiers of their Properties and Free- " holds, in which they were duly and " legally ſtated, without any Colour of " Reaſon or ſuggeſtion of Right.

Art. 2. " By charging exceſſive and al- " moſt incredible Sums for falſe and de- " ceitful Intelligence.

Art. 3.

Art. 3. " By procuring His Majeſties " Hand for the giving away between his " firſt Entrance into his Office, the Value " of Three Millions of *Sterling* Money, " at the leaſt, the ſeveral Grants whereof " are extent, counterſigned by him, and " by him only.

" *Martis* 20 *die Jan.* 1673. The Houſe " reſumed the adjourn'd Debate, concern- " ing the Lord *Arlington.* The Queſtion " being put, That an Addreſs be preſented " to His Majeſty to remove the Earl of *Ar-* " *lington* from all his Employments, that " are held, during His Majeſty's Pleaſure, " and from His Majeſty's Preſence and " Council for ever. It paſs'd in the *Nega-* " *tive* by 39 Voices.

" *Reſolved*, That a Committee be ap- " pointed to conſider of the Articles againſt " the Earl of *Arlington*, and to report " what Matter is therein contained, and " can be prov'd, that is fit for an Impeach- " ment. Committed to Mr. *Crouch*, &c.

Memorandum, The Committee never made their Report; for the 24th of *March* the Parliament was Prorogued to the 10th. of *November*, 1674, and ſo the Matter fell.

Journal of the Houſe of Commons.

Lunæ 26 *die Apr.* 1675. " A Charge or " Impeachment againſt *Thomas* Earl of " *Danby*, Lord High-Treaſurer of *Eng-* " *land*, containing ſeveral Offences, Crimes, " and Miſdemeanors, of a very high Na- " ture, being preſented and opened to " the Houſe, and afterwards brought in " and delivered at the Clerk's Table, and " read.

Art. 6. "That the ſaid Earl hath procured " great Gifts and Grants from the Crown, " whilſt under great Debts, by Warrants " counter-ſigned by himſelf.

" The 2d. Article of the Impeachment " being read, and the Matter thereof deba- " ted, *Reſolved*, That before the Houſe do " proceed farther in the Debate of this " Article, they will hear the Witneſſes. " The Witneſſes were heard; then the " Houſe Adjourn'd.

Lunæ 3 *die Maii*, 1675. " The Houſe " then proceeded in the farther Conſidera- " tion of the Articles againſt the Lord- " Treaſurer. And 3d. 4th. 5th. 6th. and " 7th. Articles being read, and the Queſtion " being ſeverally put, Whether any fit " Matter doth appear in the Examination " of thoſe Articles, to impeach the Lord- " Treaſurer? It paſs'd in the Negative.

Sabbati

Sabbati 21 *die Decemb.* 1678. "Articles of Impeachment of High Treaſon, and other High Crimes, Miſdemeanors, and Offences, againſt *Thomas* Earl of *Danby*, Lord High-Treaſurer of *England*, were delivered from the Committee. *Journal of the Houſe of Commons.*

Art. 5. That he hath waſted the King's Treaſure, by iſſuing out of His Majeſty's Exchequer, and ſeveral Branches of his Revenue, divers great Summs of Money for unneceſſary Penſions, and ſecret Services, to the Value of 231602 *l.* within Two Years: And thus he hath wholly diverted out of the known Method and Government of the Exchequer, one whole Branch of His Majeſty's Revenue to private Uſes, without any Account to be made thereof in the Exchequer, contrary to the expreſs Act of Parliament which granted the ſame. And he hath removed two of His Majeſty's Commiſſioners of that part of the Revenue, for refuſing to conſent to ſuch his unwarrantable Actings, and to advance Money upon that part of the Revenue for private Uſes.

Art. 6. "That he hath by indirect Means procur'd from His Majeſty for himſelf divers Conſiderable Gifts and

" Grants of Inheritance of the Ancient " Revenue of the Crown, even contrary " to Acts of Parliament.

" *Ordered*, That the Articlee of Im- " peachment againſt the Lord High-Trea- " ſurer be Engroſſed, and that Sir *Henry* " *Capel* do carry them up to the Lords on " *Monday* Morning next.

We have cited theſe two Preſidents, relating to the Earl of *Danby*, to ſhew, when the old Whigs were in the ſupremeſt Perfection of their Virtue, and Publick Zeal, That they then thought it a High Crime and Miſdemeanor, **For a Miniſter to Procure to himſelf Grants out of the King's Revenue.**

By the Authorities and Preſidents we have quoted, it appears manifeſtly, that our Anceſtors have, from the firſt Inſtitution of this Government, very highly reſented ſuch Proceedings.

But here it may be asked how a Stateſman is to behave himſelf when the Prince is inclin'd to Liberality, and overborn with Importunities to give away what ſhould ſubſiſt Him and the State? To which we anſwer, That the Lord Chancellor's Oath plainly

plainly directs the Miniſter in his Duty, *Ye ſhall neither know nor ſuffer the King's Hurt, nor his Diſheriting, nor that the Rights of the Crown be diſtreſſed by any Means, as far forth as ye may let it: And if ye may not let it, ye ſhall make Knowledge thereof clearly and expreſly to the King, with your True Advice and Council.* By which Words, without doubt, the Law muſt mean, (and the Chancellor's Oath is part of our Law and Conſtitution,) That this high Officer is to oppoſe with all his Power and Intreſt what he ſees tending to the King and Kingdom's Prejudice; and if he finds a great Number of Grants paſſing, the Law intends, by binding him with ſuch an Oath, That he ſhould from time to time repreſent to the King his Debts, the Taxes, and Neceſſities of the Nation. But ſuppoſe that, notwithſtanding this Repreſentation, the Prince will have the Grant to proceed, how is the Miniſter to act in ſuch a Caſe? Without doubt he is then to conſider this Maxim of our Law, That the King can do no hurt, and that the Miniſter only is accountable for any Male-Adminiſtration.

He is to contemplate what high Officers in the State have been impeached upon the like Account, and without all Controverſie he is rather to leave the Court, and quit his Employment, than to do a thing which cannot be juſtified by the Laws and Conſtitution of this Kingdom.

* Daniel. P. 134. **Simon Normannus*, Keeper of the Great Seal under *Henry* III. and *Jeffery* his Brother, both Knights-Templars, and Men in great Powrr, ſuffer'd themſelves to be turn'd out of their Employment, rather than to paſs a Grant from the King, of Four Pence upon every Sack of Wool, to *Thomas* Earl of *Flanders*, the King's Uncle. † *Matthew Parris*, ſpeaking of theſe two Brothers being put from Court, ſays, *Seminarium & Cauſa præcipua fuit hujus Iræ Regiæ, quod idem Simon noluit conſignare quoddam deteſtabile Scriptum, contra Corouam Domini Regis confectum. Cujus Tenor talis fuit, ut Comes Flandriæ Thomas perciperet de quolibet ſacco Lanæ delatæ ab Anglia per partes ſuas, Telonium: Scilicet de quolibet ſacco quatuor denariorum. Nec Galfridus Templarius huic enormi facto conſenſit, licet Rex ad hoc avide nimis anhelaverit.*

P. 519.

'Tis

'Tis true, Men are very unwilling to quit Great Employments, attended with much Wealth and High Honours; and the common Excuſe of ſuch as comply more than they ought, is, That others will be readily found to do the ſame thing: So that they ſhall prejudice themſelves without any Advantage to the Publick. Nay, they often pretend to remain at Court only to prevent greater and farther Miſchiefs.

Suppoſe then this to be Caſe, and that the Tide runs ſo ſtrongly one way that no ſingle Miniſter in his Station is able to ſtem it, and that the Prince will diveſt himſelf of his Revenues, notwithſtanding he is otherwiſe adviſ'd, what does the Conſtitution of this Kingdom require from a Lord Chancellor, a Lord Treaſurer, Lord Privy-Seal, and the Secretary of State, when ſuch Meaſures are taken? What Proofs will clear them before the whole World, that they are no ways conſenting to ſuch Proceedings, and that things are carried by an irreſiſtible Strength againſt that Council they would be thought to give?

Without doubt they ſtand juſtified before a Parliament, and in the Opinions of the People, if they give manifeſt Evidence that their own Hands are clean, and

that they do not at all participate in the Depredations that are made upon the Publick: If they have ask'd nothing for themſelves, 'tis a ſign they did not promote Grants; for he who ventures to wrong the King, will rather do it for his own Gain than for the Advantage of another: Therefore a total Self-denial in the Miniſter is a great Mark of Innocence.

If they were ſeen to have as large a ſhare in the Plunder as any others; if the King's beſt Lands and Mannors were found in their hands; or, which is worſe, if they had devour'd all the Fleſh themſelves, and left to others only the Bones to pick; if, while the Publick was poor, they had procur'd to themſelves outragious Gifts of Money, as they are call'd in the Records; if it was known that they had procur'd immoderate Releaſes for Money, (now they term 'em Privy-Seals,) and that in an unwarrantable manner: Our Anceſtors look'd no farther, but took the Miniſters to be guilty, and preſum'd, that they, ſingly, for their own Gain aud Profit, had incited the Prince to Liberalities inconſiſtent with the Welfare of his Crown and Government; and thereupon our Forefathers grounded the Impeachments we have mention'd in this Section.

We

We do not find in the Records, (except in the Lady *Veſcie*'s Caſe,) that the Anger of Parliaments was provoked againſt the Common Herd of Courtiers, who in all Ages have raked from the Prince whatſoever they could: But the Sword of the Legiſlature was directed againſt their Heads, who being Miniſters of State, in his Privy Council bound up by Oaths, (*Aſtricts per four ſerments,*) and having Offices attended with large Sallaries and Profits, did nevertheleſs, with inſatiable Avarice and Ambition, and without any Conſideration of the Publick Wants and Miſeries, rob the Crown of all they could, by a Practice as foul in it ſelf as it was fatal in its Example: For in theſe Caſes, the Law has only an Eye to thoſe who are intruſted, and expects the Town ſhould not be ſold, ſurrender'd, or betray'd by the very Centinels who are ſet to watch the Gates.

Perhaps theſe Great Men alledged in their Excuſe, That none will ſerve a Court without Rewards: But our Anceſtors thought the Appointments belonging to their Offices a ſufficient Recompence; and that Government grows very coſtly, when Miniſters muſt go away with Ten thouſand Pounds *per Annum* Eſtate, for Five or Six Years Service. Nor did our Fore-fathers think

think it Reaſonable, that out of the Subſtance of the Commons of *England* there ſhould be built up every Year Three or Four New and Wealthy Families.

'Tis true indeed, the *Ranulphs*, the *De la Pools*, the *Beurlees*, and the *Buckinghams*, of former Ages, might very well expect all they got, or could get, if every Day they were making bold Steps, by which they ran a Hazard of their Necks. But in Times when the Laws govern, and when extraordinary things are neither expected by the Prince, nor ſuffer'd by the People, Miniſters for their Service ought to be contented with a moderate Reward.

'Tis probable likewiſe, that when they begg'd thoſe large Grants of former Kings, (for which they were impeached,) they ſuggeſted to 'em what immenſe Summs of Money they had got granted for them by the Commons. But if the true Neceſſities of the State requir'd it, the Gifts would have proceeded without their urging. Nor do we find that *Hubert*, Archbiſhop of *Canterbury*, a good and faithful Servant, got, or was impeach'd for getting Grants, tho' he had obtain'd Eleven hundred thouſand Marks for the Redemption of King *Richard*. Beſides, our Anceſtors never thought that procuring Money from the

the People ought to commute for robbing the Prince, well-knowing that to be true which my Lord *Verulam* has ſince obſerv'd, that theſe Men, ſo dextrous at finding out Projects, and at inventing new Taxes, * "Prey upon the People like tame Hawks "for their Maſter, and like wild Hawks "for themſelves. * *Life* Henry *VII.* p. 210.

Our Fore-fathers had good Reaſon to animadvert upon theſe Proceedings; for nothing more tends to corrupt a Country than the eaſie way of getting Wealth by the Profuſion of a Court. It makes Men abandon the Thoughts of raiſing themſelves by Virtue and Merit, and reduces a Nation to the State of which Mr. *Pym* ſpeaks, when he ſays, "There are but "few now that apply themſelves either to "do well, or to deſerve well; finding "Flattery and Compliance to be the eaſier "way to attain their Ends and Expecta-"tions.

But the Advocates for Male-Adminiſtration, and they who give a fair Colour to Corruptions of this Nature, will perhaps urge, that generally the Heirs of ſuch as here are mentioned to have been attainted for theſe Crimes, have been reſtor'd in Blood. We grant the Fact to be ſo; but this is no Argument that they were wrongfully

fully accus'd or coudemn'd. Perhaps, to make the Puniſhment extend beyond the Perſon of the Criminal, is wrong in our Conſtitution; and that all Reſtitutions in Blood whatſoever ought to be favour'd: But Families have been reſtor'd, whoſe Parents no Man will pretend to juſtifie.

* Rot. Parl. 2 Hen. V. *Numb.* 19. * *Hamond Belknap* was enabled in Blood, 2. *Hen.* V. and the Family was afterwards fully reſtor'd, 6 *Hen.* VIII. And yet no *Engliſh* Man will offer to ſay, that *Belknap* did not deſerve his Death. The Attaindures ſhew'd the ſevere Juſtice of our Anceſtors; and the Reſtitutions that came afterwards, are Signs only, that we are born in a Country where the People are well natur'd, and who cannot long entertain angry and revengeful Thoughts, but where Lenity has encourag'd many Perſons more boldly to enterpriſe againſt the Publick.

Thus far as to what has been done in theſe Matters. But before we conclude this Section, we ſhall obſerve, That other Countries as well as *England* have relieved the Affairs of the Prince by Reſumptions, for which *Grotius* cites ſeveral Authorities.

† Grotius de Jure Belli ac Pacis, *L.* 2. *Annot. ad Cap.* 14. † *Donata etiam ab Emptoribus repetiit Galba, relicta decima.* Tacit. Hiſt. 1. *Pertinax etiam à liberis ea exegit quæ ſub ſpecie venditionis Commodo Principe lucrifecerant. Baſilius*

lius Macedo Imperator repetiit quæ Michael Imperator elargitus fuerat. Zonaras de eo: Communi conſenſu placuit, ut qui pecunias nulla probabili ex cauſa accepiſſent, partim totas, partim dimidium redderent. Vide eundem Iſaacio Comneno *de donationibus* Ludovici XI. *vide* Serranum Carolo VIII. *de ejuſdem donationibus, etiam quæ Eccleſiis factæ, non ſervatis,* Philippum Cominæum *lib.* ix. Marianam *vero de donationibus quas* Arragoniæ *Rex* Ramirus *fecerat, reſciſſis* lib. x. cap. xvi. *de* Iſabellæ *donationibus reſciſſis per ipſam* xxvii. cap. ii..

The ſame has been done in *Scotland*: † *James* the 1ſt. recall'd all ſuch Lands as had been either alienated, or wrongfully Uſurped from the Crown. And alſo what was wont to be idly given away, as Forfeitures, Eſcheats and Wards, were reſtrain'd to the Crown, and kept to the King himſelf.

† Dramond's *Hiſt. of* Scotland. p. 27, 28.

And in other Countries, as well as in *England*: They who deceiv'd or robb'd the Prince, were highly puniſh'd. Among the *Romans*, the *Crimen peculatus* was accounted Capital. *Crimen Peculatus hoc eſt Furtum Principis aut Reipublicæ. Quiſquis igitur in adminiſtrandis, aut diſpenſandis Princi-*

Principum bonis, ita infideliter ſe gerit, ut eas Pecunias furetur, aut Clancullariis Technis eripiat, aut ad proprium commodum abutatur, aut ad alios certe uſus, quam ad uſum Principis; is puniendus quadruplo, & exilio. Imo juxta multorum ſententiam, puniendus eſt capitaliter, L. *unica* C. *de crimine peculat.* † Damhouderii *Praxis Rer. Crim. Hujus Criminis Accuſatio quinquennio durat, ejus pœna, aquæ & ignis interdictio, in cujus locum, hodie, ſucceſſit deportatio.* Weſenbecius *ad Leg. Jul. de Peculat.*

† Cap. de Pec. p. 444.

In *France*, ſeveral Perſons of the higheſt Rank have been Capitally puniſh'd for Frauds committed in the Princes Revenue, of which we ſhall give ſeveral Inſtances.

But Firſt, we ſhall give a Preſident of a *Financier*, or Treaſurer, who was Honeſt of his own accord: But *Mezeray* obſerves, the Example will always remain ſingular. *Girard de Poſſi*, in the Reign of † *Phillip Auguſtus*, had wrong'd his Maſter of Eleven thouſand Marks of Silver; which he refunded into the *Exchequer*. *Girard de Poſſi qui manioit les Finances, y remit de ſon propre fonde onze*

* *Mezeray vic. de Phil. Aug.*

onze Mille Mares d'Argent, il eſt a croire qu'il les avoit gagne avec le Roy mais quoy qu'il en ſoit, on peut dire que cet Exemple ſera toujours unique, & qu'on ne verra jamais de Financier qui le veuille ſuivre. Quelque choſe qu'on faſſe, ces Gens la iront pluſtot au Gibet, que de venir a Reſtitution.

In the Reign of *Phillip le Bell*, *Engherand le Portier, Seigneur de Marigni*, rais'd exceſſive Taxes upon the People, filling his own Coffers at the ſame time. *Il y avoit quatre Cheffs d'Accuſation contre luy Davoir altere les Monoys, Charge le Peuple d'Impoſts, vole pluſieurs grandes ſommes, & degrade les Foreſts du Roy.* There were four Heads of Accuſation againſt him. That he had alter'd the Coin, loaded the People with Taxes, Robb'd the King of a great Summ of Money, and cut down the Timber of his Forreſts. He was try'd by the Peers and Barons of the Kingdom, condemn'd and hang'd. Vie Philip le Bel.

This Man was ſucceeded in his Employment by one *Peter de Remy Sieur de Montigny*, who trod in the Steps of his Predeceſſor, and was likewiſe ſen-

ſentenc'd to death in Parliament, in the Reign of *Phillip de Valois*. His Confiſcation amounted to Twelve hundred thouſand Livres; a prodigious Sum for thoſe Times. *Par Arreſt du Parlement ou ſe trouverent* 18 *Chevaliers* 25 *Seigneurs & Princes & le Roy Meſme, il fuſt condemne a traiſner & pendre, comme Traiſtre, au Gibet de Montſaucon qu'il avoit fait rebaſtir: Sa Confiſcation montoit a douze cents mille Livres ſommes prodigieuſe pour ce Temps la.*

Vie de Phil. de Valois.

Vie de *Charles 6.*

In the Reign of *Charles* the 6th, There was one *John de Montaigu*, who was a kind of *Surintendant des Finances*, or what we call Commiſſioner of the Treaſury, whom *Mezeray* deſcribes to have been a little inſolent Fellow; who from a low Degree, and without any great Merit of his own, and only by the King's Favour, was got into great Employments, where giving Offence by his Pride and Arrogance; the Great ones, at laſt fell upon him; and he was Accus'd, Condemn'd and Hang'd. But take the Author's own Words, and his Deſcription of him. *Ceſtoit un homme de mediocre Naiſſance, fils d'un Bur-*

Burgeois de Paris, que la faveur du Roy, ſans beaucoup de merite de ſon coſté, avoit eſlevé juſqu'à la charge de Grand Maiſtre de ſa maiſon, & ſes freres, l'un à l'Archeveſché de Sens, l'autre à celuy de Paris. Ses richeſſes immenſes, qui ne s'acquierent jamais ſans crime, aveuglerent ce petit Homme, & donnerent dans les yeux des Grands; En ſorte qu'il avoit marié ſon fils avec la fille du Conneſtable d'Albret, & ſes filles à des plus grands Seigneurs du Royaume.

Quoy qu'il euſt fort ſervy à la Negociation du Traitté de Chartres: Neantmoins le Duc de Bourgogne & le Roy de Navarre conſpirerent ſa perte, parce qu'il avoit donne le conſeil d'emmener le Roy a Tours. Ils le firent accuſer de pluſieur crimes énormes, prenant leur temps, que le Roy que l'aymoit, etoit dans ſa folie. Il fut arreſté par Pierre des Eſſards, Prevoſt de Paris examine par des Commiſſaires du Parlement, & tourmenté horriblement à la Queſtion. La donleur ne tira rien de ſa bouche, neantmoins il eut la teſte trenchée aux Halles. A la mort il confeſſa de ſon bon gré la depredation des Finances,

qui contient en ſoy tous les plus grands crimes. Le tronc de ſon Corps fut pendu au Gibet, ſa teſte plantée ſur un pieu.

SECT.

SECT. V.

That the Forfeited Eſtates in Ireland *ought to be applyed Towards Payment of the Publick Debts.*

LAST Year there was deliver'd in an Accompt of ſuch Parliamentary Fonds as were deficient, and for which no Proviſion was made, *March* 4. 169$\frac{8}{9}$. The Heads of which are as follow.

	ll.	*s.*	*d.*
That in the Duty upon Low Wines, there would at *Lady-Day* 1701. be a Deficiency of——	20,000	0	0
The Deficiencies in ſeveral Fonds granted to pay off the *Exchequer*-Bills (beſides the Intereſt due, and to be due upon them) computed at——	923,244,	12	8$\frac{1}{2}$
Carry over,	943,244	12	8$\frac{1}{2}$

	ll.	*s.*	*d.*
Brought over	943,244	12	8½
The Deficiency in the 3 Shill. Aid granted 1695 (beſides Intereſt) computed at—	416,000	0	0
In the Duties upon Parchment and Paper a Deficiency of ——	15,400	0	0
The Deficiency in the Leather Duty, computed to the 20th of *Apr.* 1700, to be about ——	426,438	0	0
In the Duty upon Malt, a Deficiency of about ——	625,000	0	0
In the Aid by a Quarterly Poll granted 1697, a Deficiency of ——	180,000	0	0
Deficiencies in the three Ninepences upon Beer and Ale,——	153,771	19	8
In all--	2,759,854	12	4½

'Tis to be apprehended, this Account is rather increaſed than diminiſh'd ſince laſt Year; particularly the Intereſt due upon

upon *Exchequer*-Bills, and Malt-Tickets will amount to a very conſiderable Sum.

Beſides which, there are Arrears of ſeveral kinds, not yet provided for, which will be reckon'd a Debt upon the Nation.

And over and above all this, a Proviſion is to be made for the Expences of the current Year.

But the Honour of the Houſe of Commons, and the Credit of the Nation ſeem abſolutely engaged to make good ſeveral Deficiencies, to which we are not only bound by Publick Faith, which ought to be inviolable, but by direct and expreſs Clauſes in Acts of Parliament; ſo that when a Law has Enacted, That ſuch a Debt ſhould be paid by a prefix'd time, all Ways and Means ought to be thought upon to make that Promiſe good, not ſo much for the ſake of Credit to go a borrowing with (which Parliaments can hardly looſe) but to keep ſacred the Dignity and Majeſty of the Common-wealth.

There is no Man will pretend to ſay, but that the Ways and Means of raiſing Mony are extreamly difficult. Almoſt every Branch of our home Conſumption has a Load upon it. Our Foreign Traffick

is already more charg'd than can poſſibly conſiſt with the Intereſt of a Trading Country. Three Shillings *per* Pound, with the ſtrictneſs 'tis now levyed, is ſuch a Weight, that if it be much longer continu'd, muſt, in time, certainly ruin all the leſs Free-holders, and greatly hurt the Gentry of this Kingdom.

To lay farther Exciſes upon the ſame Commodities, cannot be done without apparent prejudice to the Duties already granted, the ſame will hold in laying higher Cuſtoms. To charge Land for any long term of Years in times of Peace, is a thing unheard of among our Anceſtor; and tho' paſt Conduct has made it perhaps unavoidable for ſome Years to come, yet the People will think themſelves very ill dealt with by their Repreſentatives, if Care be not taken to lay as few Burthens upon their Land as poſſible.

Some indeed have been of Opinion that the Deficiencies may be ſatisfy'd, and that the Debts may be paid by prolonging the Fonds already granted for a further term of time; but others who love their Country, have thought it diſhonourable and dangerous, that *England* ſhould be ſo long pawn'd, and continue for ſo many Years in Mortgage. They think it not

not ſafe for our Conſtitution, nor conſiſtant with our Civil Rights, that there ſhould be levyed in this Kingdom, for any number of Years, near four Millions annually, in Cuſtoms, Exciſes, and ſuch like Duties, which in ſome future Reign, bad Miniſters may perhaps ſeize upon, and intercept, by ſtopping the *Exchequer*, in order to ſet up an Army, and to ſubſiſt without a Parliament: Of this, good Patriots will be always apprehenſive, and have therefore ever abhorr'd theſe long Fonds, which all the Neighbouring Princes round about us have conſtantly made uſe of for ſubverting the Liberties of their People.

Some without Doors, have been for trying ſuch wild Projects, as was that of increaſing the number of *Exchequer*-Bills, which indeed was a good Expedient to lull our Creditors aſleep, and to quiet Things for the preſent, while certain Perſons might have the Opportunity of doing their own Buſineſs, and of Building up their own Fortunes, but the Publick could thereby have reap'd no Benefit. On the contrary, this Calm in our Affairs, and the not being preſs'd by any clamorous demands, would have occaſion'd and encourag'd ſtill more and more bad Husbandry; and at laſt, the

Debt muſt have come upon us, with the addition of a heavy load of Intereſt; beſides (which is unanſwerable) if a War had overtaken the Nation with ſuch a Debt upon it, all due and demandable at a Day, Publick Credit muſt have ſunk at once, upon which would have follow'd Ruin, without Redemption.

Good Patriots will never think *England* can be effectually reliev'd by any Ways and Means of raiſing Mony, but ſuch as ſhall ſink part of the Principal Debt, and hinder us from being eaten up by that *Canker* of *Uſury*, which has been ſo deſtructive to this Government.

Nor will *Engliſh*-men (we mean ſuch of 'em as conſider at all) think that Trade can flouriſh, or that Liberty is intirely ſafe, 'till our Payments to the Publick are reduc'd to what they were before the War, *viz.* two Milions Yearly; for this Nation will be ever apprehenſive, That ſuch mighty Sums as we now pay, may hereafter, in the Reign of ſome other Prince, be turn'd againſt the People, tho' given and granted for their Preſervation.

Since therefore the common Ways and Means of raiſing Money, may be dangerous in their future Conſequence, or a preſent

preſent Burthen upon the Nation, it imports good Patriots to conſider whether or no the Neceſſities of the Government may not be ſupply'd by the Methods which our Anceſtors have ſo frequently put in Practice. By which we mean, whether or no a *Reſumption* of ſuch Lands in *England*, and more eſpecially in *Ireland*, as have lately been granted away from the Crown, would not be a great Relief and Eaſe to the People in their Taxes.

If a *Reſumption* can be made without breaking into the Rules of Juſtice, or without bringing any Reflection upon the King, whoſe Honour above all things ought to be regarded, and if thereby two Millions can be rais'd, to come in the room and place of a Land-Tax, very few People will think it ſtrange for the Legiſlative Authority to exert it ſelf in a matter ſo much for the common Eaſe and Benefit: And where the Publick is ſo deeply concern'd, but very few Perſons will conſider or conſult the private Intereſt of ſuch as have procur'd the Grants. Therefore in handling this Subject, we ſhall endeavour to examin into, and ſtate theſe following Points.

I. How

I. How far it is conſiſtent with the Honour of a Prince to deſire and promote a *Reſumption* by Act of Parliament.

II. What Intereſt the People of *England* have in the Lands granted away, and eſpecially as to the forfeited Eſtates in *Ireland*.

III. How far in an Act of *Reſumption* it is juſt and reaſonable to look backwards.

1ſt. *How far it is conſiſtent with the Honor of a Prince to deſire and promote a* Reſumption *by Act of Parliament.* There is nothing more evident in our Hiſtories, than that the moſt magnanimous of our Kings have been the moſt free in confirming to the People their Antient Liberties, *Magna Charta*, as it is now deriv'd down to us, was modell'd by *Henry* the 1ſt, a Prince famous for his Military Virtues, which was confirm'd by *Stephen*, a King active enough in the Field. This Sheet-Anchor of our Liberties, was yet more ſtrengthen'd by *Edward* 3d, as Renowned as any of our Kings for Perſonal Valour and Victories abroad. That, which heretofore

Math. Par. fol. 74.

heretofore by Flatterers and Corrupt Miniſters has been call'd *Prerogative*, was never inſiſted upon, but by weak and effeminate Princes, who deſir'd that their Immoderate Appetites of doing Ill, might be juſtifi'd and ſtrengthen'd by more Power than was allow'd 'em by the Laws. Magnanimous Kings have always thought, That the Royal Prerogative conſiſted chiefly in the Power of doing Good to ſo many Millions of Men, who depend upon their Wiſdom and Courage. *Henry* the 4th, that Heroick Prince, who obtain'd the Crown by his own Perſonal Merits, was ſo far from thinking his Prerogative injur'd by Acts of Grace and Favour, by which good Government might be promoted, that he himſelf deſir'd of the Houſe of Commons, that his whole Privy Council might be named and Eſtabliſhed in Parliament. *Et rehercea outre coment l'Erceveqe de Canterbirs lour avoit fait report qe le Roy vorroit eſtre conſeilez per les pluis ſages Seignours du Royalme, leſqeux deuſſent avoir ſurvieu de tout ceo qe ſeroit fait pur la bone Gouvernance de ſon Royalme. A qel choſe faire, le Roy ſagrea, & rehercea per ſon bouche propre qil fuiſt ſa volonte entier. Et ſur ceo, fuſt lue une Bille fait per le Roy meſme, & de ſa volonte propre,* Rot. Parl. 7, & 8. *Hen.* 4. Num. 31.

pre, de les noms des Seignours qi ſeront de ſon Conſeil. Afterwards the Privy Counſellors are actually nam'd in the Bill, and the Lord Chancellor, Lord Treaſurer, Privy Seal, and other great Officers are therein directed, to act nothing of Importance, without the concurrent Advice of the reſt of the Council, *Et qe Billes a endorſer per le Chambrelayn & Lettres deſſous le Signet de noſtre dit Seignour le Roy a Adreſſers & autres Mandements a doner as Chancellor, Treſorer & Gardien du Privee Seale, & autres Officiers qeconqes, deſore en avant, en tielx Cauſes come deſuis, ſeront endorſez ou faitz per advys du Conſeil. Et qe les dits Chanceller Treſorer & Gardien du Privee Seale, & autres Officiers, ne facent en tielx Cauſes ſi non per advys du dit Conſeil.* The King goes on farther, and deſires his own Authority may be circumſcribed in ſeveral Points; and yet when he made thoſe Conceſſions, he was neither in his Nonage, nor did he doat, nor was he preſs'd by any Inſurrection of the People; and 'tis notorious, he neither wanted Policy, nor Courage. But 'tis rather probable, that he thought it Honeſt and Wiſe, and no diminution to his Honour, to oblige that People with wholſome Laws and good Government, who had given

given him the Crown, and who had been at ſuch Expences to ſupport his Title.

Magnanimous Kings have not only been Favourers of Publick Liberty, but they have likewiſe been frugal of the Peoples Money, as appears in the Inſtances of *Henry the* 1ſt, *Henry* the 2d, *Edward* the 1ſt, *Henry* the 4th, *Henry* the 5th, *Henry* the 7th, and Q. *Elizabeth*; which ſhows how wrong their Notion is, who think Wiſe and Thrifty Princes dangerous to the Freedom of a Country, whereas profuſe Kings, ſuch as *John*, *Henry* the 3d, *Edward* and *Richard* the 2d, did not ouly waſte the Nations Treaſure, but every one of 'em compell'd the People to fight Pitch'd Battles, in defence of their Civil Rights.

Gallant Princes deſire to make the People eaſie. *Henry* the 4th of *France*, our preſent King's great Grand-Father, ſaid once, he hop'd to order Matters ſo, that every Man in his Kingdom ſhould have a boil'd Capon to his Dinner. None of the Apothegms utter'd by great Men, and ſo much commended by the Antients, could become the Mouth of a King ſo well, as this Noble and Well-natur'd Saying. 'Tis probable, had he liv'd, he would have brought

brought it about; which if he could have done, 'twould have been a nobler Trophey to his Fame, than all the Victories he had obtain'd. The Honour of a King conſiſts chiefly in doing good to the Univerſal Body of his People, and the Publick Welfare is to weigh with him above all other Reſpects. He is often to diveſt himſelf of the narrow Thoughts which ſway among private Men; and he can hardly be a good Ruler unleſs he does now and then in his Politick, what he would not do in his Natural Capacity. He is a Perſon intruſted by the Common-Wealth, and what he acts in diſcharge of that Truſt, cannot be call'd diſhonourable.

The Commons in the *Reſumption*, made 1 *Hen.* 7. tell the King in their Bill; *It is for his own Suerty, Honor and Weal, and for the Univerſal Weal, Eaſe, Reſt, and Suerty of his Land, the which he ought to prefer before the Favour of any Perſon, or any Place, or other thing Earthly.* The ſame Words made a part of the Preamble in moſt of the other Bills of the like Nature, by which it appears to have been the continu'd Senſe of our Anceſtors, that the Reputation of a Prince was never injur'd by Acts wherein the Eaſe and Relief of his People was conſulted: 'Tis true, ſuch a Miniſter

Miniſter as the Chancellor *de la Pool* had other Sentiments, and gave Advice of another kind, being willing to countenance his own Depredations by the Example of others: Such as he may engage the King's Honour in the Protection of their Crimes, ſo to ſhelter themſelves under his Wings, and pretend things leſſen his Fame, which will only leſſen their Eſtates: But good Miniſters have always thought that nothing could more hurt the Reputation of a Prince, than to be reduc'd by Profuſion to Courſes, by which his Country muſt be oppreſt with Taxes. 'Twas a common practice with the Duke of *Sully*, to obſtruct and often to vacate his Maſters Gifts and Grants; yet this great Man was ſufficiently jealous of his Princes Fame. In *Spain*, *Henry* the *Amirante*, *Pacieco d'Aſcolone* and *Henry de la Fortuna*, three Grandees, had obtain'd of *Ferdinand*, each of 'em a Million of Livres of Gold, charg'd on the Revenue of *Peru*, and ſhould have receiv'd it at the Return of the Plate-Fleet, but Cardinal *Ximenes* utterly annulled theſe immoderate Gifts, tho' *de la Fortuna* was the King's own Kinſman, ſaying; *The Revenue of Princes, tho' great in it ſelf, is always too little for the Neceſſities of the State.* And notwithſtanding

* *Bandier le Miniſtere du Card.* Ximenes.

ing the *Spaniſh Punto* of Honor, we do not find this Proceeding reſented by King *Ferdinand*. Before his Greatneſs was ſo eſtabliſh'd, ſeeing a very diſadvantagious Farm of the Silks of *Granada* let for Ten Years, by the Advice of *Don Manuel* the Treaſurer, to which the King had conſented, and which was offer'd at Council to be ſeal'd, he took the Charter and tore it pnblickly (of which the Pieces are kept among the Records of *Arcala*, as a Memorial of this Miniſters Courage and Integrity) ſaying, *Salto*, Don Manuel, *were you not my very good Friend, the King ſhould cauſe your Head to be taken off: Dare you make Grants ſo prejudicial to the State?* Nor did *Phillip the* 1ſt. take it ill that his own, and his Favourites Doings were thus revoked.

We agree that Princes in all their Actions are to conſider *Fame*, becauſe Opinion is one of the main Pillars to ſupport their Authority. But let any reaſonable Man anſwer, Is it not more glorious for a Prince to let the whole People under his Reign, enjoy Eaſe and Plenty, without new Impoſitions and Duties, than to enrich a few Minions and Favourites, with the Spoils of a whole Country? A Prince thirſting after preſent or future Renown,

nown, whoſe Example would he deſire to follow? That of *Henry* the 4th, who by his Frugality brought the Crown of *France* out of Debt; or that of *Henry* the 3d, who harraſs'd his whole Kingdom to build up four or five great Families, whereby he got no more than to leave behind him ſo many conſpicuous Monuments of his Weakneſs.

No doubt it has heretofore been thought injurious to the Reputation of a Prince, to be urged by clamorous Debts, to ſuffer many thouſands of miſerable Perſons to want what is their due; to have his Troops unpaid, and his Seamen in vaſt Arrears, and to let his menial Servants ſtarve, firſt by retrenchments, and then by being without their ſettled Wages and Allowances.

Theſe are truly Blemiſhes upon a Princes Glory, and were repreſented as ſuch, by the Commons of *England*, aſſembled in Parliament, 28 *Hen.* 6. when they made Application, That theſe Reflections might be taken away, and that theſe Grievances might be redreſs'd; and affirm'd at the ſame time, That they could not grant any Aid, unleſs the King would actually reſume what had been obtain'd from the Crown by Importunity or Sur-

prize, upon falſe Suggeſtions, or by Contrivance among the Great ones.

Seldom any Prince has miſcarry'd in his Fame or Fortune, who has conſtantly purſued the Publick Good; and who has directed all his Counſels to his Countreys Eaſe and Benefit; but Hiſtory is full of their Troubles and Diſaſters, who have obſtinately adhear'd to a few, againſt the whole, and who have confin'd to particular Objects, that Affection which ought to be extended to the univerſal Body of their People.

What was done by *Henry* the 1ſt, *Henry* the 2d. and by that Hero *Richard Cordelyon*? What was done by that Conqueror of *France*, *Henry* the 5th? What that Spirited and Martial Prince, *Edward* the 4th, deſir'd his Parliament in a Speech from the Throne, to put in Execution, and which he thanked them afterwards for doing, can never be thought diſhonourable in any other King; and among *Engliſh* Men, a Prince will never ſuffer in his preſent, or future Renown, for treading iu their Steps, and following their Examples.

And

And without doubt, theſe Noble and Warlike Princes did not think the Regal Power at all impair'd, by giving Way to the *Reſumptions* which were made during their Reigns; for in all theſe Exerciſes of the Legiſlative Authority, Lords and Commons do but act ſubſerviently under a King for his Profit, which *Grotius* very finely thus Illuſtrates. *Multum falluntur qui exiſtimant, cum Reges Acta quædam ſua nolunt rata eſſe, niſi a Senatu, aut alio Coetu aliquo probentur, partitionem fieri poteſtatis: nam quæ Acta eum in modum reſcinduntur, intelligi debent reſcindi Regis ipſius Imperio, qui eo modo ſibi cavere voluit, ne quid fallaciter impetratum, pro vera ipſius voluntate haberetur.* Grotius *de Jure Belli ac Pacis.* l. 1. Cap. 3. Num. 18.

2dly. *What Intereſt the People of* England *have in the Lands granted away, and eſpecially as to the Forfeited Eſtates in* Ireland. As to Lands appertaining to the Imperial Crown of *England*, and of its Antient Demeaſnes; 'tis not at all clear that they can be alienated, the Fundamentals and general Grounds of Government conſider'd. *Grotius* is directly of this Sentiment. *Patrimonium quoque Populi, cujus fructus diſtinati ſunt ad ſuſten-* Lib. 2. Cap. 6. Num. 11.

ſtentanda Reipublicæ aut Regiæ dignitatis onera, a Regibus alienari, nec in totum nec in partem poteſt. Nam & in hoc jus majus Fructuario non habent. And to fortifie his own Opinion, he produces very many great Authorities. But we ſhall take notice of ſome he has not mention'd. *Hotman* is clearly of Opinion, That the Kings of *France* could not alienate the Demeaſnes of the Crown. *Itaque Anno* CIↃ CCC XCIX. *cùm Rex* Carolus *comiti ſampaulino particulam quandam ſui domanii donaſſet, Senatus Pariſienſis pro vetere veteris trium ſtatuum Parlamenti jure interceſſit: ac pronuntiavit, Regii dominii diminutionem nullius eſſe momenti, niſi cujus auctor Senatus ille Pariſienſis fuiſſet: Quod decretum Paponius inter arreſta ſua retulit*, lib. 5. tit. 10. *ubi alia complura generis ejuſdem Senatus conſulta commemorat.* And a little lower, *Quæ ſanè lex Reipublicæ per quam utilis eſt ad regii dominii conſervationem. Quia tum demum ad tributa & indictiones extraordinarias, quibus plebs oneratur, decurri tanquam ad ſubſidium ſolet, cum illud dominium regium exhauſtum eſt.* And again, *Jus Regum Francorum ita conſtitutum eſt, ut non infinitam & immenſam regno atque imperio ſuo abutendi poteſtatem haberent, non*

Hotman. de Jur. Reg. Gall. T. 3. Col. 139.

Col. 140.

non regni Patrimonium inſanis largitionibus & donationibus immodicis prodigorum inſtar diſſiparent, ſed utpatriæ ac populorum ſuorum ſalutem fidei ſuæ creditam incolumem ſervarent, neque ulla ex parte Rempublicam ſibi commiſſam violarent: denique ut ſanctiſſimum illud M. Tullii præceptum ſervarent, Ut tutelam ſic procurationem Reip. ad utilitatem eorum, qui commiſſi ſunt, non ad eorum quibus commiſſa eſt, gerendam eſſe.

But as we have noted in the precedent Section, this Point is become more doubtful, ſince the late Act for declaring the Rights and Liberties of the Subject; which Act abſolutely condemns thoſe Clauſes of *non Obſtante*, whereby theſe Alienations were formerly ſupported; and ſuch Clauſes being condemn'd, there are ſtrong Reaſons to think, that the Act 11 *H.* 4. which clearly prohibits ſuch Grants, is now return'd to its firſt Force and Vigour. However let this Matter ſtand as it will, we ſhall probably make it appear, That the Lands in *Ireland* (which the People of *England* have within a few Years repurchaſed with ſo much Blood and Treaſure) are quite upon another Foot.

Lib. 3. Cap. 6. Num. 10. *Grotius* affirms, 'tis the Law of Nations, *Ex Jure Gentium*, That the Lands of the Vanquiſh'd ſhould go to the Conquering People. *Ex quo gentium Jure Scipio agit cum* Maſiniſſa *apud Livium: Syphax Populi Romani Auſpiciis victus Captuſque eſt. Itaque Conjux, Regnum, Ager, Oppida, homines qui incolunt, quicquid Syphacis fuit, Præda Populi Romani eſt.* What he terms the Law of Nations is all the higheſt Reſult of Reaſon; for is it not juſt that what is gain'd at their Expence ſhould belong to them? *Hotman*, putting the Caſe how it ſhould be, if the Lands to be given away are newly Conquer'd, ſays, † *Reſtat pars ultima, cùm armis & Bello regnum quæſitum eſt. Nam cùm armis Principis partum atque in ejus ditionem redactum ſit, conſentaneum videtur, ut de eo ſtatuere arbitratu ſuo poſſit. Sed cum eam ditionem ſolus ac per ſe non adqueſierit, ſed civium ſuorum ſanguine, laboribus periculis, non alienum videtur regulam juris Civilis ſequi, ut quod communibus multorum laboribus quæſitum eſt, non niſi communi eorum Conſilio & conſenſu alienari poſſit.* The *Romans* were ſo ſtrict in this Point, that to intercept any Spoils gotten in War, was accounted robbing the Publick.

† *Hotman.* Quæſt. Illuſt. T. 1. Col. 850.

lick. *Modeſtinus* the Lawyer ſays, *Is qui Prædam ab Hoſtibus ſurripuit Peculatus tenetur.* *Gellius* takes notice, that *Cato* in an Oration he ſpoke, concerning Spoils, complain'd in vehement Words, That poor Thieves were manacled in Fetters, but that the Publick Robbers ſhin'd in Gold and rich Attire. *Fures Privatorum Furtorum in nervo atque compedibus ætatem agunt, Fures Publici in Auro atque Purpura.* Indeed, if a Prince makes the War at his own ſingle Charge, (as *Grotius* obſerves in another Place) *Fieri potuit ut Rex ex ſua privata ſubſtantia Exercitum aluerit.* In ſuch a Caſe he alone will have a Right to the Conquer'd Country.

Lex penult. digeſt. ad leg. Jul. Peculat.

Gellius Lib. 11. Cap. 13.

Lib. 1. Cap. 3. Num. 11.

And this is ſo true, that if *William* the *Norman* had been able by his own Strength, and at his particular Expences, to have made the Conqueſt of *England*, according to the Law of Nations, he muſt have had this Kingdom *in Patrimonio*, with as abſolute Dominion in it, as the Eaſtern Princes can pretend to.

But the Caſe being quite otherwiſe, and he not able to bear the whole Charge, he took to his aſſiſtance ſeveral Barons of his own Dukedom, and ſome great Men of other Countries, who were joined with

him in the Adventure, to whom, as the Recompence of their Service, he firſt promis'd, and afterwards made ſundry Conceſſions, and granted many Priviledges: But ſtill with all this aſſiſtance he could not quite ſubdue the Natives, with whom he was compell'd to make Compacts, from which Conceſſions and Compacts, it comes that we continue ſtill to be a free People, notwithſtanding this pretended Conqueſt.

In the ſame manner, if *Henry* the 2d had Conquer'd *Ireland* with only the Revenues of the Crown, without any Aids from his People, that Kingdom had been his own, *Pleno Jure*, as the *Civilians* call it; and he might have diſpoſed of it at his own Will and Pleaſure: For as *Ariſtotle* ſays, *Lex eſt veluti pactum quoddam commune quo Bello capta capientium fiunt.* Nor is it a thing at all ſtrange, for a Prince to hold different Kingdoms by different Titles, and to Govern 'em by different Methods; in one he may be abſolute, according to the Antient Conſtitution of the Country; in another, his Power may be circumſcribed and limited by Law: One Kingdom he may hold by Election, and another by the Right of Succeſſion. He may

may have a Kingdom of his own Acquiſition, which ſhall be as it were his own private Patrimony. *A Principibus aliquando Regna vel Territoria pleno Jure habentur, ita* Strabo *tradit* Cytheram, *Inſulam* Tœnaro *objacentem, fuiſſe* Euriclis Lacedæmoniorum *Principis, privato ipſius Jure.* And the ſame Right would *Henry* the 2d have had in *Ireland*, if he had made the Acquiſition by his own Sword and Bow, and by Troops paid out of his own Purſe; but becauſe the Kingdom was conquer'd at the general Expence of *England*, the Commonwealth here has always took it ſelf to have an Intereſt to bind that Kingdom by Laws, to inquire into the Adminiſtration of it, as Parliaments have ſeveral times done, and to extend the Acts of Reſumption as well to *Ireland* as to *England*, conſtantly believing that Iſland to have been an Acquiſition to the Crown, not of any King's own Making, but purchas'd with the Labour and Blood, and at the common Expence of this Nation, which in ſeveral Expeditions and Wars to quiet 52 Rebellions, has expended five times more Treaſure than the Fee Simple of all *Ireland* is worth.

* *De Jure inter Gentes* P. 1. Sect. 3. R. 2.

The

The Writer of theſe Papers is not at all afraid or aſham'd to offer at Accompts, tho' a certain Perſon did pleaſe to ſay (but without any Proof then or afterwards) that in one Computation we were miſtaken twenty Millions.

An Account of the Expences for the Reduction of Ireland.

	ll.	*s.*	*d.*
Iſſu'd from the *Exchequer*, and wholly apply'd to the *Iriſh* Service, to *Jan.* 25. 169$\frac{4}{5}$.	3,388,672	5	3$\frac{1}{4}$
Arrears due to the *Iriſh* Army, to *March* 31, 1692, about	190,000	00	0
To the *Iriſh* Tranſports about	350,000	00	0
For the Service of the Ordinance, on Account of the Train that attended the *Iriſh* Army, computed at about 80,000*ll. per Ann.*) for two Years and a half.	200,000	00	0
Carry over	4,128,672	05	3

Beſides

	ll.	*s.*	*d.*
Brought over	4,128,672	05	3
Beſides which, there was received by us of the *Iriſh* Revenue,	177,020	15	5
By Poundage and Days Pay, and Profits by Guinea's about	70,000	00	0
By Quarters in *Ireland* about	140,000	00	0
So that the Reduction of the *Iriſh* ſtood both Nations in about	4,515,693	00	8¾

The Peoples Right to the Forfeited Eſtates in *Ireland*, to diſpoſe of 'em in Parliament, either for the Service of the current Year, inſtead of a Land-Tax, or to make 'em a Fond towards paying off the Deficiencies, is grounded upon this Sum of Four Millions, which has been levyed in *England*, and expended upon that War.

Where the Honour of the Prince, and the Honor or Intereſt of the Nation are concern'd againſt a Foreign Enemy, moſt cer-

certainly we are to give neceſſary Aids and Subſidies without proſpect of reaping any other Fruit from our Expences, than Fame and Safety; but when *England* has to do with its own Subjects, and that they can be brought to pay part of the Reckoning, it would be very hard if all this ſhould be intercepted from the Publick, and that we ſhould waſte our Blood and Treaſure, only to enrich a few private Perſons.

From the time of *Henry* the 2d. *Ireland* has almoſt conſtantly been made to contribute ſomething towards its Conqueſt or Reduction. In the very beginning, *viz. Anno* 1170, part of its Lands were given to the Adventurers *Robert Fitz Stephen*, and *Maurice Fitz Gerald*, *David Barry*, *Hervy de Monte Mariſco*, *William Nott*, *Maurice de Prendregaſt*, *Meyler*, *Richard Strongbowe* Earl of *Chepſtow*, and others. And *Anno* 1172. another Adventure was ſet a-foot, and a new Partition of Lands was made, and King *Hen.* 2d ſtands himſelf in the Front of the Adventurers, with *Hugo* de *Lacy*, *Willliam Fitz Adelm*, *Humphrey de Bohun*, *Sylveſter Giraldus Cambrenſis*, who was Tutor to the young King *John*, and others. In the diſtribution of theſe Lands, the Service of ſo many Knights

Vide Dr. *Hammer* Fol. 136.

Vide Rogerus Hovidon.

was

was reſerv'd to the King in the Grant of each Eſtate. *Hugo de Lacy* Lord Lieutenant, ſold ſeveral Eſtates there, which Sales *Philip* of *Worceſter*, his Succeſſor, revoked. *Nec mora revocato* Hugone *de* Lacy, *Philippus Wigornienſis, vir Militaris dapſilis & liberalis: circa Cal. Septemb. cum Militibus* XL. *Procurator eſt in Inſulam tranſmiſſus. Inter ipſa igitur operum ſuorum initialia terras, quas* Hugo de Lacy *alienaverit, terram,* viz. Ocatheſi, *& alias quam plures ad Regiam menſam cum omni ſolicitudine revocavit.* *Giraldus Cambrenſis*, cap. 24.

The Writer of theſe Papers has not leiſure to inquire into the Particulars, but according to the beſt of his Remembrance, a diſtribution of Lands was made to Adventurers, concern'd in ſuppreſſing the Inſurrections which the *Iriſh* made during the Reign of Queen *Elizabeth*. And moſt certainly, the War *England* had with that Kingdom in the Reign of *Charles* the 1ſt, was in a great meaſure carryed on by Money ſubſcribed here, with a view, that the Subſcribers ſhould have the Lands Conquer'd and forfeited, which afterward, partly they had and the reſt was devided among the Soldiers in ſatisfaction of their Debentures.

In our preſent Caſe the War was not either begun, or carry'd on at the Expence

pence of any Single Perſon, or private Men, but at the common Charges of the whole Nation; therefore in Reaſon and Juſtice the People of *England* ought here to be look'd upon as the General Adventurers: That the Four Millions levied and expended, is their Adventure, of which the Forfeited Eſtates ought to be the Return; and if any thing conſiderable can be made of 'em, it ought to go towards eaſing *England* in its Taxes.

But there is a ſtrong Reaſon of State why the Lands of *Ireland*, in caſes of Rebellion, ſhould never be granted away, but be either deſtributed among Adventurers, or ſold towards defraying the Charges of the War; for if *England* is to be at all the Expence, and Courtiers are to go away with all the Profit, how do we know but that hereafter, for their own Gain, they may purpoſely and adviſedly encourage and Foment Rebellions there? Fourteen Hundred thouſand Pound, once in Thirty or Forty Years, to be ſhared among them, would be a very fine Crop for the Men in Buſineſs. But probably the Miniſters in future Ages will be watchful over that Kingdom, and ſuppreſs an Inſurrection betimes (when it may be done for a leſs Sum than Four Millions, and perhaps with three or four Thouſand Men)

not in all likelyhood will they ſo notoriouſly neglect a matter of that Importance, when they are to reap to themſelves no Advantage by ſuch a Negligence.

Some will pretend the Prince has more Power to alienate what comes to him by Forfeiture, than to part with the Revenues of the Crown, reckoning Forfeitures to be *In Fructu Patrimonii Principis*; according to this of *Grotius*, *Sed in eo falluntur multi, quod res quæ in fructu ſunt Patrimonii cum rebus Patrimonii confundant. Sic jus Alluvionum in Patrimonio eſſe ſolet, ipſæ res quas fecit Alluvio in fructu: Jus vectigalia exigendi in Patrimonio, Pecunia ex vectigalibus procedens in fructu: Jus confiſcandi in Patrimonio, fundi confiſcati in fructu.* All which is right, if rightly diſtinguiſh'd. No doubt 'tis not only Legal, but for the Good of any Government, that common Confiſcations ſhould be at the Diſpoſal of the Prince, that he may have an Opportunity of extending his Mercy to the Children or Relations of the Delinquent: Beſides, in common Confiſcations the Traitor is proſecuted and brought to Puniſhment at the King's ſole Expence. But the Caſe is quite otherwiſe when a whole Nation rebels, and when that Rebellion is to be ſuppreſſed at the infinite Expences of the People, it ſeems rather

De Jure Belli ac Pacis, lib. 2. cap. 6. Num. 12.

rather that what accrues thus to the Prince and People (for they always have, or ſhould have a Joint Intereſt) ought to be more Sacredly devoted to publick Uſes, than any other thing, becauſe it is the Price of Blood.

We have perhaps made it appear, that the People have ſome Intereſt in the Publick Revenues: We ſhall therefore examine whether this Right is any way loſt or laps'd for want of putting in a Claim. If the Nation had ſate ſtill while theſe Grants were making, and done nothing which look'd like a Proteſt againſt it, peradventure it had been ſuch an Abandoning or Dereliction of the matter, as in ſome ſort might have transferred the Dominion of the things in queſtion to the preſent Poſſeſſors. *Qui ſciens & præſens tacet, videtur conſentire.* But the Caſe is quite otherwiſe here. The Parliament has very early deſir'd that the Forfeitures both in *England* and *Ireland* might be appropriated to the Uſes of the War, and thoſe Deſires have been earneſtly and frequently repeated. And becauſe it tends much to the clearing of our preſent point, we ſhall ſo far treſpaſs upon the Reader's patience, as to give a brief Accompt of what has been from time to time done in Parliament in relation to this Affair.

Grotius de Jure B. li ac pacis, l. 2. c. 4. Num. 5.

The

The Seſſions 2. *Gul.* & *Mar.* began 2. *Octob.* 1690.

Veneris 17. *die Oct.* The Houſe reſolved itſelf into a Committee of the whole Houſe to conſider farther of Ways and Means for the raiſing of Supplies to be granted to their Majeſties. Mr. Sollicitor Reports from the Committee the following Reſolution.

Reſolv'd, that 'tis the Opinion of this Committee that towards the raiſing the Supplies to be granted to their Majeſties the Summ of Ten Hundred Thouſand Pounds be rais'd upon the Credit, or by Sale of the Forfeited Eſtates in *Ireland.*

The Reſolution being read a ſecond Time.

Reſolv'd, *nemine contradicente*, that this Houſe doth agree with the Committee, in the ſaid Reſolution.

Lunæ 20. *Die Oct.* 1690. Reſolv'd, that an humble Addreſs be made to his Majeſty, that he will pleaſe to command the Commiſſioners in *Ireland*, to make a Return to his Majeſty of the Names of the Perſons in Rebellion in *Ireland*, and of their Eſtates, and the yearly value thereof, and that his Majeſty will graciouſly pleaſe to order the ſame to be tranſmitted to this Houſe. *Mer-*

Mercurii 22. *Die Oct.* 1690. Reſolv'd, that a Bill be brought in upon the Debate of the Houſe for attainting the Perſons that are, or have been in Rebellion in *England*, or *Ireland*, and for confiſcating their Eſtates, and for applying the ſame to bear the Charges of the War.

Martis 2. *Die Dec.* 1690. The ſaid Bill was read a firſt Time.

Jovis 4. *Die Decemb.* 1690. The ſaid Bill was read a ſecond time, and the ſame Day the Houſe reſolv'd itſelf into a Committee of the whole Houſe to conſider of the ſaid Bill.

Veneris 19. *Die Dec.* 1690. Mr. Solicitor reported the Bill. Reſolv'd, *nemine contradicente*, that the ſaid Bill, with the Amendments be engroſs'd.

Martis 23. *Die Dec.* 1690. Reſolv'd the ſaid Bill do paſs, and that Mr. Solicitor carry it to the Lords.

Mercurii 31. *Die Dec.* 1690. Ordered that a Meſſage be ſent to the Lords to put them in mind of the ſaid Bill, and that Sir *Robert Rich* carry the ſaid Meſſage.

The Bill fell in the Houſe of Lords, by Reaſon of the ſhortneſs of the Seſſion, for on the 5th of *January* the Parliament was adjourn'd to the 31ſt of *March*,

March, and ſo by ſhort Adjournments till the following Year. But before the Receſs his Majeſty was graciouſly pleas'd, in his ſpeech to both Houſes, on the 5th of *January*, to ſay as follows.

——*And I do likewiſe think it proper to aſſure you, that I ſhall not make any Grant of the forfeited Lands in* England *or* Ireland, *till there be another Opportunity of ſettling that matter in Parliament in ſuch manner as ſhall be thought moſt expedient.*

The following Seſſions began 22 *die Oct.* 1691.

Sabbati 16. *die Jan.* 1691. Order'd that leave be given to bring in a Bill to veſt the Forfeited Eſtates in *Ireland*, in their Majeſties, to be applied to the Uſes of the War.

Order'd that leave be given to bring in a Bill for veſting the Forfeited Eſtates in *England* in their Majeſties, to be applied to the Uſes of the War; and 'tis referred to Mr. *Smith* &c.

Sabbati 23 *die Jan.* 1691. Mr. *Smith* preſented the two Bills.

Martis 26 *die Jan.* 1691. Each of the Bills were read a firſt time, and order'd a ſecond Reading.

Jovis 28. *die Jan.* 1691. Each of the ſaid Bills were read a Second time, and committed to a Committee of the whole Houſe.

Lunæ 1. *die Feb.* 1691. The Houſe reſolv'd it ſelf into a Committee of the whole Houſe, *&c.* Mr. *Palmes* Reported from the Committee that they had gone through the Bill for veſting the Forfeited Eſtates in *England*, and had made ſome Progreſs in the Bill relating to *Ireland.*

Jovis 4. *die Feb.* 1691. Mr. *Palmes* Reported the Amendments made by the Committee to the Bill for veſting the Forfeited Eſtates in *England*, *&c.* which were read and agreed to by the Houſe.

Several Clauſes or Savings were offer'd and agreed to. Among the Reſt, that nothing in the Bill contain'd, ſhould extend to Grants made to the Earls of *Monmouth* and *Torrington.*

Order'd, That the Bill with the Amendments be engroſſed. Mr. *Palmes* alſo Reported the Amendments to the Bill for veſting the Forfeited Eſtates in *Ireland.*

Veneris 5. *die Feb.* 1691. The Houſe proceeded to take into Conſideration the Report of the Amendments to the ſaid Bill,

Bill, and ſeveral of them were read a ſecond time, and agreed to, *&c.*

Martis 9. *die Feb.* 1691. The Houſe proceeded in the further Conſideration of the Report, *&c.*

A Clauſe was offered for their Majeſties to grant to any Perſon or Perſons, as a Reward for their Service, any of the Lands and Hereditaments veſted in their Majeſties, by vertue of this Act, ſo as ſuch Lands and Hereditaments do not exceed . . . . . in Value of the whole Lands, Tenements, and Hereditaments ſo veſted in their Majeſties, to any ſuch Perſon or Perſons, as a Reward for his or their Service.

A Clauſe offer'd that it ſhould be lawful for their Majeſties to Grant to *James* Duke of *Ormond* and his Heirs, any of the Forfeitures made by this Act, or any other Means within, or on any the Eſtate or Eſtates of the ſaid Duke.

Twice Read and Agreed to.

Other Clauſes Read and Agreed to. Order'd, That the Bill with the Amendments be engroſs'd.

Veneris 12. *die Feb.* 1691. An Engroſs'd Bill for veſting the Forfeited Eſtates in *England* in their Majeſties to the uſe of the War, was read the third time.

Riders offer'd and agreed to. Reſolv'd, That the Bill do paſs.

Order'd, That Mr. *Palmes* do carry the Bill to the Lords, and deſire their Concurrence.

An Engroſs'd Billfor veſting the forfeited Eſtates in *Ireland* in their Majeſties, to be applied to the Uſe of the War, was read the Third time.

Several Riders preſented and agreed to. Reſolv'd, That the Bill do paſs.

Ordered, That Mr. *Palmes* do carry the Bill to the Lords for their Concurrence.

Note] In the Bill relating to the Iriſh Forfeitures, there was reſerv'd to their Majeſties one third part of the Forfeitures, To be diſpoſed and given to ſuch Military Officers and Soldiers as their Majeſties ſhould think fit, who actually ſerv'd in the Wars in *Ireland*, in Perſon there, and to no other Perſon or Perſons whatſoever.

During this Seſſions, Propoſals were offer'd for raiſing Money upon the forfeited Eſtates.

Jan. 1ſt. 1691. Reſolv'd, That a Committee be appointed to receive Propoſals for raiſing Money upon the forfeited Eſtates in *Ireland*, and it is referred to Mr. *Smith*, &c.

Martis

Martis 26. *die Jan.* 1691. Order'd, That the Committee, to whom it was referr'd to receive Propoſals for raiſing of Money upon the forfeited Eſtates in *Ireland*, be impower'd to inquire into the diſpoſal of forfeited Eſtates there.

Sabb. 13. *die Feb.* 1691. Order'd, That the Report of the Committee appointed to receive Propoſals, *&c.* be made upon Monday Morning next.

Mercurii 17. *die Feb.* 1691. The ſaid Report was made. 'Tis very long, but well worth the Peruſal of all Members, and is to be found in the Journal of 1691. Fol. 866.

What paſs'd in 1690, and 1691, is a ſufficient Indication that the People of *England* had no mind this Matter ſhould ſleep.

The next Year, *viz.* 169$\frac{2}{3}$. We may ſay a Claim to theſe Eſtates was continued, and kept afoot, by an humble Addreſs from the Houſe of Commons to the Throne, *Sabbati* 4. *die Martii* 169$\frac{2}{3}$. where, among other things, it is thus pray'd.

And foraſmuch as the Reducing of *Ireland* hath been of great Expence to this Kingdom, We humbly beſeech your Majeſty, That (according to the Aſſurance Your Majeſty hath been pleas'd to give

us) No grant may be made of the forfeited Eſtates in *Ireland*, till there be an opportunity of ſettling that Matter in Parliament, in ſuch manner as ſhall be thought moſt expedient.

That a true Accompt of the Eſcheats and Forfeited Eſtates both Real and Perſonal, and Stores left by the late K. *James*, may be laid before your Commons in Parliament aſſembled, to the end that the ſaid Eſcheats, Forfeitures, and Stores, and the Embezzlement thereof may be inquired into.

Veneris 10. *die Martii* 169$\frac{3}{4}$. To this Addreſs His Majeſty was graciouſly pleaſed to give the following Anſwer.

Gentlemen,

I ſhall always have great Conſideration of what comes from the Houſe of Commons, and I ſhall take great Care that what is amiſs ſhall be remedied.

The Year following the Matter was again reviv'd, and other Bills brought in of the ſame Purport with the former.

Veneris 12. *die Jan.* 1693. Order'd, That a Bill be brought in to veſt the forfeited Eſtates in *Ireland* in their Majeſties to be applied to the uſe of the War.

The like Order for the forfeited Eſtates in *England*.

Mer-

Mercur. 24. *die Jan.* 1693. The Honourable *Henry Boyle* Eſq; according to Order, preſented to the Houſe a Bill to veſt the forfeited Eſtates in *Ireland* in their Majeſties, to be applied to the Uſe of the War. And alſo

A Bill to veſt the forfeited Eſtates in *England* in their Majeſties, to be applied to the Uſe of the War; and the ſame were read.

Sabbati 3. *die Feb.* 1693. A Bill for veſting the forfeited Eſtates in *Ireland*, *&c.* was read the ſecond time.

Reſolv'd, That the Bill be Committed to a Committee of the whole Houſe.

Martis 27. *die Feb*, 1693. The Houſe reſolv'd it ſelf into a Committee of the whole Houſe to conſider of the Bill for veſting the forfeited Eſtates in *Ireland*, *&c.*

Mr. *Boyle* reported from the Committee that they had made ſome Progreſs, *&c.* and deſired leave to ſit again.

The Houſe reſolv'd it ſelf into a Committee of the whole Houſe to conſider further of the ſaid Bill.

Mr. *Boyle* reported from the Committee that they had made a farther Progreſs *&c*, and deſired Leave to ſit again.

This Seſſions a Commitee was likewiſe appointed to receive Propoſals concerning theſe Forfeitures. *Re-*

Veneris 12. *die Jan.* 1693. Sr. *Rowland Guin* reports from the Commitee appointed to receive Propoſals concerning the Forfeitures in *Ireland*, and likewiſe for ſecuring the Proteſtant Intereſt there.

The Propoſals receiv'd by the Committee may be ſeen in the Journals of that Year from Fol. 314. to Fol. 324.

December 3, 1694. A Bill was preſented to the Houſe, to veſt the forfeited Eſtates in *Ireland* in their Majeſties, read. And read again a ſecond time, 10 *die Decem.* 1694.

Anno, 1695. A Bill was preſented to the Houſe, to veſt in the Crown all forfeited Eſtates in *Ireland*. And to vacate all Grants made thereof. 11 *die Feb.* 1695. *Lecta* 1 *vice.*

Anno 1695. A Bill was preſented to the Houſe to veſt in the Crown all forfeited Eſtates in *England*, and to vacate all Grants made thereof. 11 *die Feb.* 1695, *Lecta* 1. *vice.*

Anno 1697. A Bill was preſented for vacating all Grants of Eſtates and other Intereſts in *Engl.* and *Irel.* from the Crown during the Reign of the late King *Charles* the 2d. And for appropriating the ſame to the uſe of the Public. 12 *die Feb.* 1697. *Lecta* 1 *vice.* 25 *die Feb.* 1697. *Lecta* 2. *vice.*

Anno

Anno ditto. A Bill was preſented for vacating all Grants of Eſtates and other Intereſts in *England* and *Ireland*, from the Crown ſince the 13th. day of *February* 1688. And for appropriating the ſame to the uſe of the Publick. 12 *die Feb.* 1697. *Lecta* 1. *vice.* 25. *die Feb.* 1697. *Lecta* 2 *vice.*

Anno ditto. A Bill was preſented for vacating all Grants of Eſtates and other Intereſts forfeited in *Ireland* ſince the 13th of *Feb.* 1688. And for appropriating the ſame to the uſe of the Publick. 9 *die Feb.* 1697. *Lecta* 1. *vice.* 12 *die Feb.* 1697. *Lecta* 2. *vice.*

Anno 1698. 9 *die Maii.* A Bill was preſented for granting an Aid to his Majeſty by an impoſition upon Beneficial Grants and other things therein mention'd. 10 *die Maii Lecta* 1 *vice.* 11 *die Maii Lecta* 2 *vice.*

Thus we have ſhewn a continued Series (the Year 1696 excepted) of Bills or Adreſſes from Year to Year relating to this matter; ſo that if the People of *England* have any Right or Intereſt in theſe Lands and Forfeitures, it has not been loſt or lapſed for want of putting in their Claim.

3dly.

3dly. *How far in an Act of Reſumption it is juſt and reaſonable to look backwards.*

In matters of Government 'tis generally the ſafeſt Courſe to tread in the Steps of our Anceſtors, were it only for this ſingle Reaſon, that 'tis returning ſo far towards our Antient Conſtitution, which all ſides will agree to have been form'd with admirable Gravity and Wiſdom. In the preſent Queſtion we ſhall therefore ſee (as far we can find in old Hiſtories, or in the Records) how our Forefathers proceeded in Acts of the like Nature, for which we have recited our Authorities in the third Section.

Henry the 1ſt. reſum'd ſuch Lands as his Brother Duke *Robert*, who was an eaſy Prince, had beſtowed in *Normandy* upon undeſerving Perſons. But we do not find he touch'd upon any thing that had been done by his Father, or by *William Rufus*.

Stephen was preſs'd by the Nation, as well as by *Henry Fitz Empreſs*, to reſume only his own Grants.

Henry the 2d. reſumed the Grants of *Stephen*, but the matter had been agreed upon in the preceeding Reign.

Richard

Richard the 1ſt. did only reſume the Alienations he himſelf had made.

Henry the 3d. was perſwaded by his Barons to reſume what had been granted away by King *John* his Father, a Prince ſo profuſe, that in a manner he had quite undone the Nation.

The Reſumption made by *Edward* the 2d. had relation only to what was done in his own Reign,

In the Reign of *Richard* the 2d. the Commons indeed pray that the Gifts of *Edward* the 3d. to unworthy Perſons might be look'd into, which perhaps was done in reſpect of the dotage and Weakneſs this great Prince fell into the laſt Ten Years of his Life. But what had been worthily beſtowed was to be confirmed.

In the Reign of *Henry* the 4th. the Petition of the Commons was, that the Reſumption might look as far backward as the 40th of *Edward* the 3d. and therefore we ſee it came to nothing, and only ended in taking the Profits of all the Lands and Penſions granted for one Year.

The Reſumptions made in the Reign of *Henry* the 6th. extended only to the firſt Day of his coming to the Crown.

'Tis

'Tis true, the Commons in their Petition to *Edward* the 4th. pray that the Reſumption might extend to the Reigns of all the three *Henries*, and the Act paſs'd accordingly: But we may plainly ſee this was chiefly done to condemn their Titles to the Crown; And the Reſumption retroſpecting ſo far, was found ſo impracticable, that in the 3d. and 4th. of his Reign, a new Act became neceſſary, which look'd no further backward than the 4th of *March*, in the firſt Year of his own Reign.

The Reſumption made by *Henry* the 7th. does indeed look as far backward as 34 *Hen. 6.* and ſo takes in the Grants of *Richard* the 3d. and *Edward* the 4th. But becauſe there paſſed four ſeveral Acts of the ſame Nature in the Reign of *Edward*, we may preſume that this long Retroſpect could not affect any conſiderable number of Families, and that it was chiefly level'd at thoſe who by Power and Intereſt in *Edward*'s Reign ſtill kept the Crown-Lands, and who perhaps, by new Grants from *Edward* and *Richard*, had defeated the Intentions of former Parliaments.

The Reader may ſee, that in theſe Reſumptions moſt of the Preſidents reach only

only to the preſent, or to the Reign immediately preceeding, which is conſonant to the Laws of all Nations, that have prefixt ſome limited time, after which Men ſhould think themſelves ſafe and quiet in their Poſſeſſions.

They without Doors who have deſir'd that the forfeited Eſtates of *Ireland* might not be look'd into, have endeavour'd to obſtruct the good Intentions of the Parliament, by crying we are willing to Reſume, *provided you will go far enough backwards: We ſhall join in it if you will take in all the Grants ſince the Reſtoration of King* Charles *the Second.* But few are ſo ſhort ſighted as not to ſee into this Artifice; ſuch as are for making their Reſumption ſo large, deſire none at all, and would engage a great many different Titles to oppoſe it.

If it could poſſibly conſiſt with the Rules of Juſtice, if to do ſo would not produce unſpeakable Diſorders, if it would not utterly ruin a great number of Families, no doubt, the Publick labouring under ſo many Debts, and Difficulties, ſuch a general Reſumption would be adviſable, all which are ſtrong

Ob-

Objections to the making it ſo extenſive.

To which may be anſwer'd, that the ſame Inconveniences will happen by reſuming the *Iriſh* Forfeitures; we ſhall therefore try to ſhew how the Caſes differ.

But to clear theſe Points we muſt repeat ſome things that have been laid down in the foregoing part of this Diſcourſe.

That the Kings of this Realm have always preſcribed a Power of alienating the Crown-Revenue by their Great Seals.

That it would not have been convenient in the beginning of this Conſtitution to have bound up the Prince's Hands from all kind of Alienations, for then, by Forfeitures and Attainders, in proceſs of time, the King would have been Lord of the whole Soil.

That however, Parliments by Petitions, Bills or Acts of Reſumption, have all along laid in a claim of the People's Intereſt in this Revenue, eſpecially when the Grants were become exorbitant.

That the Waſts committed upon the Crown-Revenue produced at laſt [*viz.*

11. *Hen.* 4.] a poſitive Law porhibiting theſe ſort of Alienations.

That the force of the Law was evaded by Clauſes of *non obſtante* incerted in the Letters Patents.

That theſe Clauſes ſeem condemn'd by the late Act for declaring the Rights and Liberties of the Subjects.

When King *Charles* the 2d. came in, the Doctrine of the Court was, *ſow a little that you may reap much*, and they who were then intruſted with the Nation's Purſe, were themſelves for diving into the Princes Pocket. And at the ſame time the Doctrine of *Weſtminſter Hall* was to advance the Prerogative as high as poſſible; thus the King was perſwaded to give away the greateſt part of his Crown Lands, and by the Proceedings of *Weſtminſter Hall* the People were encouraged to think ſuch Grants were good in Law, the Courtier begg'd and the Citizen bought, ſo that immediately he was in a manner diveſted of all, and yet they who had ſuffer'd for him and his Father, were few of 'em the better for all this immoderate Bounty.

Theſe Liberalities of his were not beſtow'd as the Recompence of antient Me-

rit, but were often the Price of Treachery, and the Rewards of Vice. And as *Cyrus* obſerv'd, that in Camps the moſt worthleſs Souldiers are the buſieſt to get Plunder, ſo the ſame thing may be ſaid of a Court expos'd to Spoil, the worſt Men in it are the moſt ravenous and generally make the beſt Advantages.

The Obſervation we have now made, did apparently hold true as to King *Charles*'s Court; however ill-gotten Goods ſeldom thrive, and very little of what was thus obtain'd remains with the firſt Poſſeſſors, but is now diſpers'd into a Multitude of Hands.

Though what he did was ſo prejudicial to the Crown yet ſuch was then the flouriſhing Condition of our Affairs, that we could bear a great deal of ill Management. Beſides ſome were glad enough to ſee a young Prince neceſſitated to depend upon his People, who was apprehended to meditate arbitrary Power. But whatever govern'd the Councels of thoſe times, certain it is that there was no actual Bar put in the Way of his deſtructive Bounty.

'Tis true (as we have noted in the third Section) 'twas complain'd of, but all

all ended in an Addreſs which had very little in it of the Spirit which our Anceſtors had ſhewn upon the like Occaſions.

Leave was given at the beginning of that Reign to bring in a Bill of Reſumption; A Bill was twice read, to regulate and reſtrain ſuch Alienations, and an Addreſs was thereupon made, but no conſequence following upon all this, the People of *England* had reaſon to believe that the Parliament acquieſced in what was done at Court.

The matter did not only Sleep then, but was not, as we can find, afterwards reviv'd, and for many Years it was hardly mention'd in the Houſe of Commons, inſomuch that Eſtates, though ſo newly deriv'd from the Crown, came in a ſhort ſpace of Time to bear almoſt an equal value with any other ſort of Land.

But if, as in ancient times, ſuch a Proceeding of the Court had been complain'd of from Seſſions to Seſſions, if, as heretofore, the Miniſters that procured the Grants, had been impeach'd, if Bills of Reſumption had been frequently offer'd though rejected, ſuch Motions would have been ſome Warning to

the Nation, the Purchaſers would have look'd about 'em, every Man muſt have known the Hazzard he was to undergo, and he can only accuſe himſelf, who will run into it, when before hand he is acquainted with the Danger.

But the Legiſlative Authority continuing ſo long ſilent in the matter, and the Lawyers of thoſe times making no Objection to Titles of this Sort, depending upon their *Ex certa Scientia, mero Motu, & Gratia ſpeciali*, and yet more upon their Clauſes of *non obſtante*, the People were induced to think they might as ſafely make theſe as any other Sort of Purchaſes.

Hence it was that what belong'd to the Crown but ſo lately, came to be a matter of Publick Traffick among the People, inſomuch that the whole Fortune of very many Families is therein embark'd.

What *Cato* ſaid is indeed true, if rightly diſtinguiſh'd, that there ought to be no præſcription againſt the Publick.

Plut. vit. Cat. * *Nec Mortales contra Deum immortalem, nec privatos contra Rempublicam præſcribere poſſe.* This holds without doubt when private Men get fraudulently or by Force into Poſſeſſion of what belongs

ſongs to the Publick, and at the beginning were *Poſſeſſores mala Fide*, which length of time ought not to purge. But in a mixt Government, if one Part of the State ſuffers the other Part to alienate what the whole have an Intereſt in, and if the ſaid Part had power and Opportunity to make an Oppoſition, and yet made none, it implies ſuch a Conſent as according to the Law of Nations, and the Rules of Juſtice, ought to indemnifie to all Intents and Purpoſes the Poſſeſſor *bona fide*, and the Purchaſer upon a valuable Conſideration. *Grotius* ſpeaking upon Alienations ſays, * *Inconſulto vero Populo Rex id non poteſt, ſi maneamus inter terminos naturales: quia juris temporarii, quale eſt Regnum electorum, aut lege ſuccedentium ad Imperium, effectus niſi temporarii eſſe non poſſunt: potuit tamen Populi, ut expreſſus conſenſus, ita tacitus conſuetudine introductus qualem nunc paſſim vigere cernimus, id jus Regibus tribuere.* And a little before. * *Subſcribere non poſſumus Juriſconſultis, qui ad Regulam de non alienandis Imperii partibus, adjiciunt exceptiones duas, de publica utilitate, & de neceſſitate: niſi hoc ſenſu, ut ubi eadem eſt utilitas communis & Corporis & Partis, facile ex ſilentio,*

* *De Jure Belli ac Pacis. l. 2. Cap. 6. n. 10.*

* *Ibid. n. 8.*

etiam non longi temporis, conſenſus & populi & partis interveniſſe videatur, facilius vero ſi etiam neceſſitas appareat. At ubi manifeſta eſt in contrarium voluntas aut corporis, aut partis nihil actum debet intelligi. And a little lower he ſays.

Ibid. n. 11. **Nec admitto exceptionem, ſi res modiſticum valeat quia quod meum non eſt, ejus nec exiguam partem alienare mihi jus eſt: ſed in rebus modicis quam in magnis conſenſus Populi ex ſcientia, & ex ſilentio facilius præſumitur.*

So that this great Civilian is of Opinion that the Acquieſcence and long ſilence of one of the Conſtituent parts of a State is in a manner an Approbation of what the other does.

No doubt the People by their Repreſentatives have a Right to complain when they ſee that waſted which muſt be ſupplied out of their Purſes, and they have a Right to propoſe Reſumptions when they become of abſolute Neceſſity. But this Right they may ſuſpend for a Seaſon, &, *pro hac vice*, renounce. * *Venit enim hoc non ex Jure Civili, ſed ex Jure Naturali, quo quiſque ſuum poteſt abdicare.*

Ibid. cap 4. n. 4.

No doubt the People may lay claim to what the whole has an Intereſt in,

to

to wit the Publick Revenues, but this claim ought to be made within ſome moderate Compaſs of Time, ſo as not to produce any diſtraction or diſturbance in Men's Titles and Poſſeſſions. For otherwiſe ſuch a Claim will occaſion more Diſorders than it can propoſe to remedy.

But when it has been forborn too long, and when the People have been ſuffer'd to imagin that the Circumſtances of the time admitted of a ſuch a Profuſion, or that their Repreſentatives have acted upon ſome Reaſon of State, and that they did not reſume becauſe 'twas better theſe Eſtates of the Crown ſhould be in private Hands: When the Silence of thoſe who had right to complain ſeems to have juſtified ſuch proceedings, and when upon all theſe Preſumptions private Men have gon on for many Years to buy and ſell in the way of their common Buſineſs, to come afterwards with *Cato*'s Rule and ſay, *There is no præſcribing againſt the Publick* would be unjuſt and dangerous.

Sylla made ſtrange Alterations in the State of *Rome*, in its Governments, Magiſtracies, and alſo in the Properties of Men; however the Senate had ſubmit-

ted, and in a tract of Time the People was accuſtomed to theſe Eſtabliſhments; but *Cataline* and his Accomplices, not out of Love to the Common-wealth, (as * *Plutarch* notes) and rather to innovate in things, and to find matter for Civil War, would change what was already fix'd; but *Cicero* and the beſt Citizens of *Rome*, thought the Miſchief had taken too deep a Root, that to alter what had been done ſome Years before, and which concern'd ſo many, would alarm and affect too great a number of Perſons, therefore the good Patriots of that Age would not conſent to break into the Acts of *Sylla*.

Vit. Cic.

In the ſame manner moſt certainly King *Charles* acted againſt the Truſt of his high Office, in permitting ſuch a Spoil to be made of his and the Nations Revenue, but no good Man who loves the Peace and Quiet of his Country would deſire to unravel what has been done ſo many Years ago, and in which ſo many Thouſands are concern'd. The Evil is grown too big for Correction, 'Tis like a Diſeaſe which is become in a manner part of the Conſtitution, of which to attempt the Cure would be to kill the Patient. They whoſe Duty it

was

was to take Care of the Body Politick have ſuffer'd the Diſtemper to proceed too far. By the Negligence of the State which for Forty Years together has let this Matter go on without Check and Inquiry, moſt of thoſe who are in Poſſeſſion of Grants from King *Charles* are now Poſſeſſors *bona fide* and purchaſors upon a valuable Conſideration. Were they now in the Poſſeſſion of thoſe who had firſt procured the Grants, no doubt according to the Conſtitution of this Kingdom they might juſtly be reſumed. But the Caſe is notoriouſly quite otherwiſe; in the ſpace of Forty Years moſt of thoſe Eſtates have been ſold over and over, and from time to time have paſs'd through ſo many Hands, that a Reſumption from the 1ſt. Day of his Reign (as they propoſe who would load this matter to perplex and defeat it) cannot be made without breaking into ſo many private Contracts, Marriage Settlements, Jointures Mortgages, and Sales for Valuable Conſideration, that there is hardly any Tax which probably the People of *England* would not conſent to, rather than bring ſo vaſt a Diſorder and Ruin upon ſuch a number of private Families.

From

From what has been here laid down it will appear to any diſintereſted Reader, that King *Charles*'s Grants and thoſe lately made do not ſtand upon the ſame Foot, and that the Caſes differ in many and very material Circumſtances.

1ſt. The Law is perhaps otherwiſe now than the common and receiv'd Practice of it then was, but, as we have before ſaid, 'tis ſubmitted to the Gentlemen of the long Robe to determin in that Point.

2dly. What King *Charles* had done was winked at, becauſe the flouriſhing Trade, Wealth of the Nation and its long Peace might bear ſuch Gifts which were not to be ſupply'd by new and heavy Taxes. But our preſent Condition is not the ſame, there was not then rais'd upon the People quite two Millions *per Annum*. *England* of late has paid, and for ſome time to come will pay, at leaſt Five Millions *per Annum*. The Publick had not then been exhauſted, and was not in Debt; we have in Ten Years actually levyed Thirty Millions and ſtill owe near Twenty Millions, above four of which are not yet provided for.

3dly. The Nation ſeem'd to acquieſce in

in what King *Charles* had done, for tho' ſomething was mov'd at firſt to reſtrain and regulate Alienations from the Crown the matter had little Progreſs and afterwards we have not heard it was puſhed on with any Vigour, the Claim was not ſo ſtrongly made as by the Rules of Juſtice to take away from the Poſſeſſors any Pretences to Præſcription. But in our preſent Caſe a ſolemn Aſſurance has been given from the Throne, *That no grant ſhould be made of the forfeited Lands in* England *and* Ireland *till there ſhould be another Opportunity of ſetling that Matter in Parliament in ſuch manner as ſhould be thought expedient.* Afterwards, as we have ſhewn, an Addreſs was preſented that no Grant might be made of the forfeited Lands in *Ireland.* And almoſt in every Seſſions a Claim has been put in by the Repreſentatives of the People, and as we have ſet forth Twelve ſeveral Bills have been preſented and read all tending to appropriate theſe Forfeitures to the uſes of the War. So that the new Poſſeſſors of theſe Eſtates cannot pretend that any Silence has given a Sanction to what has been done, or that a quiet and unqueſtiond enjoyment has ſo far confirm'd their Right

Right as that thereby they may plead Præſcription. If any of theſe Lands have been ſold or traffick'd about the Purchaſers cannot plead Ignorance; by the Steps made in Parliament they could not but know they bought a litigated Title; the ſame may be ſaid as to Marriage, Settlements, Jointures, or any other civil contract that has Relation to the Grants lately made.

4thly. What Crown-Lands K. *Charles* gave away deſcended lineally to him from his Anceſtors, The Iriſh Forfeitures have been lately purchas'd with the Blood and Treaſure of this Kingdom.

If any Man could think that a Reſumption retroſpecting ſo far as the beginning of King *Charles* II's Reign would be for the Publick Good, why has it been never ſet afoot or mention'd at any other time but when the Parliament had a deſire, by a Reſumption in *Ireland*, to eaſe the People in their Taxes?

All the Premiſſes conſider'd, perhaps it will appear to any unbiaſs'd Perſon who deſires to help the Affairs of *England* by a Reſumption, That, to follow the greateſt Number of Preſidents and according to the Rules of Prudence and Juſtice, the Bill ought to look no farther back-

backwards than this, or the Reign immediately preceeding.

We hope to have made it evident in the Series of this Diſcourſe, That according to the Conſtitution of this Kingdom the late Grants may be reſumed, We have produc'd variety of Preſidents to juſtify ſuch a Proceeding. 'Tis hoped we have given them a full Anſwer who would engage the Kings Honour in Countenancing their Depredations upon the Publick. Peradventure we have produc'd undeniable Proofs that the People of *England* have an Intereſt in theſe Lands, and Perhaps we have ſilenc'd thoſe, who to clog a good thing, would put us upon a wrong ſcent, by propoſing to look farther backwards than in Juſtice and Reaſon we ought to do.

And, if we have made out all theſe Poſitions, it will not be difficult for good Engliſhmen to think, inferr, and conclude,

That more eſpecially the forfeited Eſtates in Ireland ought to be apply'd towards Payment of the Publick Debts.

The Writer of theſe Papers, from the firſt time he bent his Studies to Matters

ters of this Nature, has all along endeavour'd to propoſe ſuch Ways and Means of raiſing Mony as might give eaſe to the Landed Intereſt of which he hopes what he has formerly publiſh'd is a ſufficient Evidence.

'Tis true the freedom and Sincerity with which he has handled theſe Points may have drawn upon him powerful enmities but if he has given any Hints by which *England* may ſave two Millions and remain this Year without a Land Tax, he ſhall think his Labour well employ'd, and little value the diſpleaſure of Particular and Intereſted Perſons, whoſe, Reſentments ought truly not to fall upon him, but rather upon thoſe whoſe general ill Conduct has made ſo rough a thing as a Reſumption neceſſary.

However he who looks into any Male adminiſtration ſtirs up a Neſt of Hornets. If any one be touch'd who has been concern'd in Procuring Grants all that have participated in his Guilt will be alarm'd, and think themſelves bound to act in his Defence, for if one Criminal falls the reſt are all in danger * *Nam ſi Marcellus Eprius caderet Agmen Reorum* Sterneretur.

Tacit. Hiſt. l. 4.

There is an Anecdote, or ſecret Hiſtory

ſtory belonging to theſe Grants well worth the Knowledge of good Patriots; the Writer of theſe Papers is not quite without Materials for it: Nor is he at all withheld by any of thoſe private and mean Fears which commonly obſtruct National Deſigns, but the Truth is he has not this time had leiſure to put ſo Dark and Intricate a matter into any tolerable Method.

The Manner of procuring ſeveral of the Iriſh Forfeitures has been as criminal by its Circumſtances, as in itſelf; but of this at another Seaſon. To look into the Depredations lately committed is ſo copious a ſubject, that he who bends his Thoughts this way, is ſure to have matter enough before him; and if all things were well examin'd, it would perhaps be found that the Reſumption here propos'd is not the only way of raiſing Mony to eaſe the People in their Taxes.

There have been of late Years given in Parliament upwards of Fifty Millions. This immenſe Summ as we all know, has been tranſmitted into two Offices for the uſe of the War. And by an Inquiſition into thoſe Offices peradventure ſomething very conſiderable is to be recover'd. The

The Author thinks he cannot employ his Hours of Leiſure more to his Country's Service than in Inquiries of this Nature. And next Year (if he finds a Continuation of theſe Foul Practices which have been ſo deſtructive to *England*, and ſo prejudicial to the King's Intereſt) he purpoſes to open a new Scene: That Zeal for the Publick which has now warm'd him ſhall not in the leaſt cool, and though he ſhould be left to ſtand alone, he will ſtill combat on, and neither ask nor give Quarter in the Conflict he intends to maintain with the Corruptions of the Age.

FINIS.